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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, MAY 13, 2003  
9:30 A.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Linda Moulton-Patterson, Chairperson

Jose Medina

Steven R. Jones

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Kathryn Tobias, Chief Counsel

Martha Gildart, Supervising Waste Management Engineer

Jim Lee, Deputy Director

Howard Levenson, Deputy Director

Pat Schiavo, Deputy Director

Mark de Bie

Keith Kennedy

Scott Walker

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APPEARANCES CONTINUED

ALSO PRESENT

Billie Britt, Neighbor

Sean Edgar, California Refuse Removal Council

Willa Hirschaut, Neighbor

Yvonne Hunter, League of Cities

Bob Miller, Citizens of Copperopolis

Ralph Venturino, Attorney General's Office

Chuck White, Waste Management

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CHAIRPERSON MOULTON-PATTERSON: We have a long day today so I think I'm going to start right away.

Mr. Washington is not here, but we'll go ahead.

I'd like -- anyway I want to welcome everyone to -- am I on now? I want to welcome everyone to our May meeting of the California Integrated Waste Management Board.

And I'd like to ask you to stand and join me in the pledge of allegiance.

(Thereupon the Pledge of Allegiance was Recited in unison.)

CHAIRPERSON MOULTON-PATTERSON: Thank you very much.

Would the secretary please call the roll.

SECRETARY WADDELL: Jones?

BOARD MEMBER JONES: Here.

SECRETARY WADDELL: Paparian?

BOARD MEMBER PAPARIAN: Here.

SECRETARY WADDELL: Medina?

BOARD MEMBER MEDINA: Here.

SECRETARY WADDELL: Peace?

BOARD MEMBER PEACE: Here.

SECRETARY WADDELL: Moulton-Patterson?

CHAIRPERSON MOULTON-PATTERSON: Here.

1 SECRETARY WADDELL: Washington?

2 BOARD MEMBER WASHINGTON: Here.

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington is  
4 here.

5 I'd like to ask you to turn off all cell phones  
6 and pagers. And also we have a limited number of agendas  
7 and staff reports on the back table. If you would like to  
8 speak to an agenda item, there are speaker request forms  
9 there. Please fill it out and note the agenda item and  
10 give it to Ms. Waddell, who's right over here. She'll  
11 make sure that we listen to what you have to say.

12 And at this time we'll do ex partes.

13 Mr. Jones.

14 BOARD MEMBER JONES: Just said hello to Gary  
15 Caldwell from Waste Management.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 Ms. Peace.

18 CHAIRPERSON MOULTON-PATTERSON: I said good  
19 morning to Barry Caldwell and Chuck White from Waste  
20 Management.

21 CHAIRPERSON MOULTON-PATTERSON: I also said good  
22 morning to those two.

23 Mr. Medina.

24 BOARD MEMBER MEDINA: Substitute the previous two  
25 people.



1 CHAIRPERSON MOULTON-PATTERSON: Okay.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: I also said hello to  
4 Barry Caldwell. And also I have a number of ex partes  
5 related to Sunshine Canyon which have been entered in the  
6 system, a lot of e-mails, which I'll be up to date on by  
7 the time the agenda item comes up.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

9 BOARD MEMBER WASHINGTON: I'm up to date.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr. Jones,  
11 do you have a report for us today, a general report?

12 BOARD MEMBER JONES: I'll -- just very briefly.  
13 I want to thank John Smith. On April 16th --

14 CHAIRPERSON MOULTON-PATTERSON: We're having  
15 technical difficulties.

16 BOARD MEMBER JONES: Okay. On April 16th John  
17 Smith and a group from the RMDZ division hosted 14 people  
18 from London, England on a project called London Remade  
19 where they've been asked by their governing bodies -- and  
20 they have 37 of them -- to look at a part in London on the  
21 Thames River that has been blighted to incorporate  
22 recycling -- or manufacturing companies using recycled --  
23 recovered recyclables as a feed stock.

24 John's group set up a trip where these folks  
25 didn't visit anywhere else in the United States. They

1 came right to California. John set up a road show for  
2 them to talk to manufacturers throughout the state of  
3 California using recovered materials as a feed stock. And  
4 then they basically ended the trip with a visit to CalEPA  
5 that I participated in with John Smith. It was a pretty  
6 quick two-hour meeting. There was a lot of exchange.  
7 This group is not only government but industry and  
8 economic development folks trying to figure out how  
9 California's model can help them. I think it was big  
10 kudos for John Smith and his staff and for this Board.  
11 And I obviously appreciated that.

12 And then, as the members know, I sent an e-mail.  
13 Our new Sustainability and Market Development and DPLA  
14 Committee that I'm going to be Chair of, the first  
15 meetings are next month. I've asked Mr. Washington to  
16 Chair that Committee in my absence. I'm not going to be  
17 able to make any of those Committee meetings next month.  
18 But I will be back for the Board meeting. That's it.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
20 Mr. Jones.

21 Ms. Peace.

22 BOARD MEMBER PEACE: I have nothing to report.

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

24 BOARD MEMBER MEDINA: I'll reserve my reporting  
25 until we get to the waste prevention and market

1 development report on the five-year plan.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 Mr. Paparian.

4 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

5 I had a couple things I wanted to mention very  
6 briefly. On April 29th I spoke to the American Chemical  
7 Societies Rubber Recycling Topical Group colloquium in San  
8 Francisco about the California tire situation and  
9 promoting higher valued added uses of recycled rubber.  
10 And what was really interesting about that colloquium, I  
11 not only made my presentation, but I actually learned a  
12 lot from some of the experts in the rubber recycling  
13 field. And among other things, I found out that not only  
14 is incorporating recycled content a challenge at times  
15 into tires, but at times it also can -- at least in terms  
16 of one component of the tire, recycled content actually  
17 enhances the performance characteristics of at least one  
18 component. We heard from one of the experts in the field.

19 On May 1st Kit Cole and I both attended the  
20 Sunshine Canyon Landfill Community Advisory Committee  
21 meeting at the facility. This is a community advisory  
22 committee related to the county side of the landfill.  
23 We're going to be hearing from the city side later today.

24 On May 9th the P&E Committee held a workshop,  
25 which I'll talk a little bit more in my Committee update.

1           And then yesterday I was at a meeting of the  
2 National Electronic Product Stewardship Initiative, a  
3 group of about a dozen of us who have been trying to pull  
4 together a proposal to present to a larger group of  
5 stakeholders from states across the country from the  
6 electronics industry, from environmental groups, and other  
7 stakeholders. And once again, we made quite a bit of  
8 progress. We narrowed down our proposals to two, and  
9 we're going to be presenting them to a larger group of the  
10 stakeholders at a meeting next month in Seattle.

11           I wanted to thank -- and I'm sure we'll have more  
12 opportunities to do that later today. I wanted to thank  
13 Gary A-K and Bob Davila for their work on today's video  
14 teleconference that we'll be having and receive testimony  
15 from the community Sunshine Canyon. I think it's an  
16 important step, important for the community to have a say  
17 in the activities that are occurring in their  
18 neighborhood. And I think that it shows the use of  
19 technology in a very positive way. A lot of people won't  
20 have to fly or drive to Sacramento. That reduces  
21 environmental impacts right there. And it provides a  
22 convenience, and I think it's important to the community.

23           The IMB branch I think is one of the unsung  
24 heroes of the Waste Board. I remember about two weeks ago  
25 I was down in Los Angeles trying to sign on remotely to

1 the e-mail system at about 7:15 in the morning. And I was  
2 having trouble, and I called up and, boy, the person was  
3 right there ready to answer, right there ready to get  
4 things taken care of. I wish I had written down her name  
5 because I really appreciated the help she gave. I think  
6 it -- when things run smoothly, you tend not to hear about  
7 them. Our computer system does tend to run very smoothly.  
8 I think that's a big credit to the folks in the IMB  
9 branch.

10 And I think that's it. I'll reserve some other  
11 things for the Committee report.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
13 Mr. Paparian.

14 Mr. Washington.

15 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

16 Just let me announce a number of activities that  
17 I participated in. I had an opportunity to visit the  
18 Lakin Tire West Facility Center in -- facility, rather, in  
19 Santa Fe Springs. I visited Edco Disposal Corporation  
20 Facility in Lemon Grove, California. I did a tour of the  
21 Tajiguas Landfill in Santa Barbara where I met with  
22 several local elected officials who were in attendance,  
23 including the Mayor Marty Blum and Supervisor Naomi  
24 Schwartz, who is also the district direct for  
25 Assemblywoman Hannah-Beth Jackson.

1 I visited the Ware Disposal Madison Material  
2 Facility in Santa Ana. I was the keynote speaker for the  
3 Southern California Waste Management forum which was held  
4 in Downey, California. I had an opportunity to sit down  
5 later that day with the San Diego County Disposal  
6 Association and the reception they had and had an  
7 opportunity to meet with several of the representatives of  
8 the waste management industry from San Diego.

9 I attended the fourth annual recycled product  
10 show at the Sacramento Center. And most recently, Madam  
11 Chair, I attended along with you the -- we did the WRAP of  
12 the year award to the Tofu Shop Specialty Foods in Humbolt  
13 County in which we honored their business for being one of  
14 the top 10 WRAP of the year winners. In addition, I  
15 joined you with the announcement of the expansion of the  
16 Humbolt County recycled market development zone. And we  
17 toured several businesses such as the Fire and Light and  
18 McCloud Recycled Furniture Shop. And finally, Madam  
19 Chair, I toured the Falcon Refuse Center in Wilmington,  
20 California.

21 So I've been into a lot of stuff and visited a  
22 lot of companies.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
24 Mr. Washington. We appreciate your report.

25 As Mr. Washington said, we did go up to Humbolt

1 County and make some presentations, the expansion of RMDZ  
2 area and also the WRAP of the year award. This, to me,  
3 was a very important site visit. Not only did I get to  
4 visit Blue Lake California, who has a distinction of  
5 having a 91 percent diversion rate, and we're real proud  
6 of them, but just to see how much we can impact the  
7 economy as well as the environment up in an area that  
8 really needs jobs. And they're very excited about the  
9 expansion of that zone, and it just was really a  
10 worthwhile trip. And it was good to see the combination  
11 of helping the environment and also providing jobs for the  
12 people that really need them up there.

13 Also, I had meetings with Senator Sher and  
14 Assemblywoman Pavley on the budget questions, and we  
15 answered those. And I believe they were all approved. Is  
16 that correct, Mr. Leary?

17 EXECUTIVE DIRECTOR LEARY: Yes, Madam Chair.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
19 That's good news.

20 And lastly I met with Mayor Hahn to discuss our  
21 future efforts and also Sunshine Canyon. And he was very,  
22 very pleased that we would be able to hear from the people  
23 through the video conferencing. I explained to him that  
24 with budget constraints we canceled our out-of-town  
25 meetings. And he understood, but he was very, very glad

1 we made the extra effort to hear and see these people. So  
2 we're looking forward to that.

3 Also we had some outstanding media coverage on  
4 the recycled product trade show that we had at the  
5 convention center last month. Due to a very heavy April  
6 agenda, we didn't have time to share with you any of the  
7 stories. But one from Channel 3 here in Sacramento was  
8 very well done showing a life cycle of a toothbrush.

9 So I believe Ruben's going to be putting that on,  
10 and I wanted to share it with you.

11 (Thereupon a video was played.)

12 CHAIRPERSON MOULTON-PATTERSON: Thank you. And  
13 again, I want to express my thanks to Ms. Wohl and Jerry  
14 Hart and their entire staff that worked so hard on this.  
15 It was a great success. Thank you.

16 I haven't forgotten Mr. Leary's report, but we're  
17 going to have it after we present Item 27, and we'll come  
18 back to him.

19 I'm going over the agenda. We will be having a  
20 closed session today at 1:30. And Item 28 has been  
21 continued to the June Board meeting. Item 3 has been  
22 deleted from the agenda. Item 14 and 25 were heard at the  
23 Committee level only. Items 2, 4, 5, 6 revised, 18  
24 through 22, 23 revised, and 24 are on the proposed consent  
25 calendar.



1           And if no member wishes to pull any of those  
2 items from consent, I'd like to request that we have a  
3 motion.

4           Mr. Jones.

5           BOARD MEMBER JONES: Madam Chair, I'll move we  
6 adopt the consent calendar 2, 4, 5, 6 revised, 18, 19, 20,  
7 21, 22, 23, and 24.

8           BOARD MEMBER MEDINA: Second.

9           CHAIRPERSON MOULTON-PATTERSON: We have a motion  
10 by Mr. Jones, seconded by Mr. Medina to approve the  
11 consent calendar as read.

12          Please call the roll.

13          SECRETARY WADDELL: Jones?

14          BOARD MEMBER JONES: Aye.

15          SECRETARY WADDELL: Medina?

16          BOARD MEMBER MEDINA: Aye.

17          SECRETARY WADDELL: Paparian?

18          BOARD MEMBER PAPARIAN: Aye.

19          SECRETARY WADDELL: Washington?

20          BOARD MEMBER WASHINGTON: Aye.

21          SECRETARY WADDELL: Peace?

22          BOARD MEMBER PEACE: Aye.

23          SECRETARY WADDELL: Moulton-Patterson?

24          CHAIRPERSON MOULTON-PATTERSON: Aye.

25          So this month we will hear Items 1, 7 through 13,

1 15, 16, 17, 26, 27, 29, and 30.

2 Item 7 is time certain for today at 3:00 p.m., as  
3 we mentioned, with video conferencing from Granada Hills,  
4 California.

5 And I would like to begin the day with Item 27.  
6 I'll turn it over to Mr. Schiavo.

7 DEPUTY DIRECTOR SCHIAVO: Hello. Is it working?  
8 Okay. Pat Schiavo of Diversion, Planning, and Local  
9 Assistance Division.

10 And before I start, I would like to thank all the  
11 staff from the Waste Analysis Branch -- now it's  
12 working -- the Office of Local Assistance, as well as the  
13 State and Local Assistance Branch. They put in a lot of  
14 hard work behind the scenes in went in to all of this  
15 effort.

16 Over the past several months the Board has been  
17 presented with a number of different items regarding  
18 implementation of the Strategic Plan. And today what I'd  
19 like to do is present more detailed information from the  
20 perspective of the Diversion, Planning, and Local  
21 Assistance Division.

22 (Thereupon an overhead presentation was  
23 presented as follows.)

24 DEPUTY DIRECTOR SCHIAVO: And the four major  
25 areas I'd like to address today are looking at our

1 historical performance, automated systems that are coming  
2 online, where we're going in the future, measurement  
3 accuracy, as well as future of program implementation  
4 efforts.

5 --o0o--

6 DEPUTY DIRECTOR SCHIAVO: This next slide is very  
7 familiar. This is -- each year we add a new year on to  
8 it. And as of 2002, we're at 48 percent diversion rate.

9 --o0o--

10 DEPUTY DIRECTOR SCHIAVO: Unlike most states, we  
11 include all materials located everywhere in the state.  
12 Many states are limited to particular geographic areas,  
13 particular material types. We're much more comprehensive  
14 in our look at the waste stream. If you look on the  
15 left-hand side of the table over towards 1989, what you  
16 see is that we essentially were managing 90 percent of our  
17 waste stream as disposal, where today we're managing  
18 almost 50 percent of the waste as a commodity. That's  
19 very important. That's very important as far as changing  
20 our perspective how we look at things.

21 --o0o--

22 DEPUTY DIRECTOR SCHIAVO: The next table or line  
23 chart depicts program implementation efforts over the last  
24 ten years. As you can see, there's been a dramatic  
25 increase since the year 1990. This represents billions of

1 dollars in the creation of an infrastructure, partnerships  
2 with local jurisdictions or haulers, relationships with  
3 Board staff trying to increase program implementation  
4 efforts. It also depicts the Board took their enforcement  
5 authority and tried to implement the programs through  
6 local jurisdictions efforts, and local jurisdictions took  
7 it seriously.

8           As a result, what we see from the depiction of  
9 two studies that were funded by the Board are the creation  
10 of over 100,000 jobs and a net benefit of 5 to \$10 million  
11 in infrastructure creation. That's very critical to the  
12 economy of the state. It also puts us in parity with the  
13 motion picture industry as far as jobs created in the  
14 state.

15                               --oOo--

16           DEPUTY DIRECTOR SCHIAVO: The bottom line, if you  
17 look at it from the perspective of jurisdiction to  
18 jurisdiction is we are making a lot of progress. If you  
19 look at 1995 with 464 jurisdictions there are over 64  
20 jurisdictions that were at or above 50 percent diversion,  
21 and currently there's 207. Also if you look up on -- in  
22 the white shading there were 16 or 87 jurisdiction -- I'm  
23 sorry in the blue shading -- 87 jurisdictions that could  
24 not calculate their numbers. They didn't have the  
25 ability, the tools available to them, or the know-how.

1 Today there's only 18. And almost all those 18 are  
2 performing alternative diversion efforts right now. So  
3 we've seen the fruits of their efforts shortly.

4 --o0o--

5 DEPUTY DIRECTOR SCHIAVO: In this particular pie  
6 chart what we show is out of 209 Southern California  
7 jurisdictions, 44 percent of them have reached 50 percent  
8 milestone or have exceeded it, where 40 percent of the  
9 jurisdictions are currently working on SB 1066 extensions.  
10 And there are 14 percent of the jurisdictions that the  
11 Board considered to be good-faith efforts. They were  
12 implementing the programs, but the numbers didn't indicate  
13 that they were at or above 50 percent.

14 --o0o--

15 DEPUTY DIRECTOR SCHIAVO: And contrasting that to  
16 the performance of Northern California, of the 236  
17 jurisdictions, 53 percent were at or above 50 percent.  
18 28 percent are currently working on their SB 1066  
19 extensions. And again, 14 percent were considered  
20 good-faith effort jurisdictions.

21 --o0o--

22 DEPUTY DIRECTOR SCHIAVO: This next table shows  
23 the reporting success by state agencies and facilities.  
24 And you can see in 2000 all the planning documents were  
25 submitted to us. All but a few annual reports for 2001

1 have been submitted. And at the time that this table was  
2 created, there was about 100 outstanding state agencies.  
3 Today -- we received another 50 state agency reports since  
4 the creation of this table, and we noticed that there are  
5 about 44 state agencies are currently working on submittal  
6 of their annual reports. And there's about 11 that  
7 haven't started the process yet. And we'll be working  
8 with them to get going on that process.

9 --o0o--

10 DEPUTY DIRECTOR SCHIAVO: Now historically our  
11 efforts were all geared towards planning efforts. And if  
12 you look in this table beginning 1993 through primarily  
13 1998, our efforts were focused on nondisposal facility  
14 elements, source reduction and recycling elements,  
15 household hazardous waste elements, summary plans, and  
16 siting elements. And you can see that effort diminishing  
17 beginning in 1999 through 2002.

18 --o0o--

19 DEPUTY DIRECTOR SCHIAVO: But what supplemented  
20 that is now we're looking at program performance efforts,  
21 and so we're looking at annual report reviews, state  
22 agency annual reports, biannual reviews, time extensions,  
23 new base years, and five-year plan reviews which will  
24 continue for a while. But again, we're looking more at  
25 program performance and not focusing so much on the

1 planning anymore.

2 --o0o--

3 DEPUTY DIRECTOR SCHIAVO: Where we are currently  
4 is much -- is very dramatic compared to where we were. I  
5 mean, the dinosaur is pretty representative where we were  
6 when this process started. All the efforts took place on  
7 paper. There were no automated calculations that took  
8 place. There was no singular format that was used.  
9 People submitted the reports however they felt like  
10 submitting them. To submit a report you had to go back  
11 and look at historical data and then combine that with  
12 current information. There was a lot of room for error.  
13 And consequently, it took a lot more time to complete the  
14 reports, a lot of confusion. And if someone wanted to  
15 view the information, they actually had to view any kind  
16 of level of detail, they actually had to come to the Board  
17 to view that information because there was just no way to  
18 convey it to them. There was some information you could  
19 send by mail. But if it was a very comprehensive  
20 document, it wasn't very practical. So we've come a long  
21 ways since this time.

22 --o0o--

23 DEPUTY DIRECTOR SCHIAVO: Today we save time on  
24 routine filing and data entry. I'll show you more on the  
25 results of that.

1           We're cutting costs for complying with our  
2 mandates. We have the ability to analyze data and protect  
3 tends and workloads. We allow focus of resources on  
4 diversion program implementation and not the compilation  
5 of reports, and provide easy web-based access to critical  
6 decision-making data. And no longer do you have to come  
7 to the Board to seek out that information. You can go to  
8 local government central and seek it out.

9                               --o0o--

10           DEPUTY DIRECTOR SCHIAVO: What kind of automated  
11 systems do we have? I'll summarize this table. We have  
12 the electronic annual report, the state agency annual  
13 report, SB 1066 information, disposal reporting data,  
14 waste characterization, jurisdiction waste stream  
15 profiles, all kinds of technical assistance tools. So  
16 just go to local government central, and you find just  
17 about everything you need.

18                               --o0o--

19           DEPUTY DIRECTOR SCHIAVO: What this shows you is  
20 this is a page from our online diversion rate calculator.  
21 In the past people had to manually calculate their  
22 diversion rates. Today we have a system set up to where  
23 the calculator actually has already calculated the  
24 diversion rate for a particular jurisdiction. The  
25 jurisdiction has the opportunity to either use the



1 calculator for what's been already calculated or they can  
2 go in and make some edits to that. All the tools for  
3 making the edits are provided in the calculator. That  
4 saves time, money, effort on the part of the  
5 jurisdictions.

6 --o0o--

7 DEPUTY DIRECTOR SCHIAVO: This next table shows  
8 you the state agency annual report which is fully  
9 automated. And this is just the title screen that shows  
10 you Mark Leary has submitted his report to the Board.  
11 That's a good thing.

12 But if you look at this next screen, the  
13 jurisdiction annual report, which is also fully automated,  
14 both of those reporting systems look very similar. The  
15 look and feel are pretty much the same. So that if a  
16 local jurisdiction wanted to look at state performance or  
17 vice versa, they can go through and look at these reports  
18 and feel very comfortable doing so, or anybody else who  
19 wants to see the information. There is very little that  
20 would be unique to these reporting systems.

21 --o0o--

22 DEPUTY DIRECTOR SCHIAVO: How well jurisdictions  
23 embrace this new method, in 1995 everything was done by  
24 paper. Today all but, I believe, three jurisdictions have  
25 submitted their reports -- or all, you know,

1 electronically performed, which saved a lot of time and  
2 money, as I mentioned.

3 --o0o--

4 DEPUTY DIRECTOR SCHIAVO: State agency  
5 performance has essentially been the same. State agencies  
6 are doing just about everything electronically now.  
7 Again, saving them a lot of time and money. The beauty of  
8 the systems is that you can go in. You can perform part  
9 of the collection of data and do some of the inputs. Save  
10 the information. Come back later. You can make edits.  
11 So you can save it everywhere, any time you want to. And  
12 again, that's just a lot more convenient for the local  
13 jurisdictions and state agencies.

14 --o0o--

15 DEPUTY DIRECTOR SCHIAVO: The time to complete  
16 biannual reviews, it used to take -- when we started the  
17 process, it was 27 months. We're now down to about 12  
18 months. We're getting closer to real time data. It's  
19 always going to be in arrears because of the reporting  
20 functions as stated in the statute.

21 --o0o--

22 DEPUTY DIRECTOR SCHIAVO: As far as how the  
23 customers like the systems, about 90 percent either agree  
24 or agree strongly that the systems have -- the  
25 instructions were very clear to use and, you know, the

1 systems were easy to use. There's 2 percent that  
2 disagree, 8 percent that were neutral. We haven't done  
3 any follow-ups with them at this point in time.

4 --o0o--

5 DEPUTY DIRECTOR SCHIAVO: Is it saving customers  
6 time? Most feel that it is. There's 24 percent that are  
7 neutral. 2 strongly disagree. My guess is because we  
8 have 25 percent or so turnover each year with local  
9 jurisdiction staff that there's quite a few people that  
10 never went through the paper processing back in 1995.

11 --o0o--

12 DEPUTY DIRECTOR SCHIAVO: The new tools help DPLA  
13 analyze the information as well as it helps jurisdictions  
14 perform the calculations or simplify their lives. When we  
15 started using the default calculator with the adjustment  
16 method, about 65 percent of the jurisdictions that used  
17 it, 101 that did new generation-based studies, and 77 that  
18 did alternative values in the year 2000. The use of an  
19 alternative value would mean that you have particular  
20 circumstances in your jurisdiction and the adjustment  
21 method just didn't apply.

22 It could be -- in California we have a lot of  
23 areas that are geared to tourism. Tourism wouldn't be  
24 captured very well with the adjustment method so you may  
25 have to use an alternative method to do that. If you have

1 a large car dealership and it's a small jurisdiction and  
2 that car dealership left the small jurisdiction, it would  
3 have quite an impact. Again, it would be captured very  
4 well with the adjustment method. That's most likely why  
5 you would want to use alternative value. In the year 2001  
6 nearly 70 percent of all jurisdictions used the calculator  
7 with a default value. And that means that's saving them  
8 an awful lot of time for those particular jurisdictions.

9 --o0o--

10 DEPUTY DIRECTOR SCHIAVO: Another ability we have  
11 is to show geographically what the outflows of waste are.  
12 The small dots you see on the map represent landfills. In  
13 this particular example what we've seen is the outflows  
14 where waste from Alameda County ends up. You can see it's  
15 gone down into Kern and some of the other Southern  
16 California jurisdictions. We can do this for any county  
17 or city level to track where waste goes in. It really  
18 helps in the planning progress for jurisdictions as well  
19 for us.

20 --o0o--

21 DEPUTY DIRECTOR SCHIAVO: How successful has  
22 implementation of the web been for us here at the Board?  
23 We started putting information on the web in 1998. And  
24 you'll see that's depicted in the left-hand side of each  
25 of the months with, you know, the blue shading. The hits

1 started increasing a little bit.

2 And then you can see we started local governments  
3 central online in June of 1999, and we started getting  
4 additional hits.

5 The next major milestone was in 2000 where we  
6 expanded local government central, and we started getting  
7 a significant amount of hits.

8 And we also put tools for schools online in 2002.  
9 It's gone up again.

10 And in 2003, if you look at January, the bar in  
11 the far right-hand side -- I'm not sure how to describe  
12 the color. It -- again, the hits have gone up  
13 significantly for 2003.

14 We're continuing to expand our efforts for tools  
15 for schools, local jurisdiction information, as well as  
16 we're going to be putting up our large state venue  
17 information on the website in the next couple of months as  
18 well. So we hope to get a lot more hits as a result of  
19 that.

20 --o0o--

21 DEPUTY DIRECTOR SCHIAVO: This next section is  
22 dealing with improving measurement accuracy, and that is  
23 through jurisdictions performing new base years. It's  
24 through the measurement accuracy working group which was  
25 formed in 1997 to look at how to fix some of the number

1 issues with local jurisdictions, statewide  
2 characterization of waste disposal. We have the SB 2202  
3 report which include measurement accuracy recommendations.  
4 And finally, looking at promoting increase of regional  
5 agency formations.

6 --o0o--

7 DEPUTY DIRECTOR SCHIAVO: Since 1995 there have  
8 been 174 jurisdictions which have up-dated their base  
9 years. We expect to see an increase over the next few  
10 years as well.

11 --o0o--

12 DEPUTY DIRECTOR SCHIAVO: The count of the  
13 jurisdictions and when they completed their new base  
14 years, you can see in 1998, 1999, and 2000 were the  
15 primary years. We expect 2001 to go up quite a bit as  
16 well. But because we're always a couple of years in  
17 arrears, we won't see that for the next, you know, year or  
18 so. But we expect that to climb significantly.

19 --o0o--

20 DEPUTY DIRECTOR SCHIAVO: What this table shows  
21 is for a new base year what you can expect to see. This  
22 is an example of a particular jurisdiction, but most  
23 jurisdictions are broken up with, I would say, this order  
24 of magnitude. There's exceptions. But you have about 25  
25 percent of this jurisdiction's residential waste stream.

1 37 percent is going to be nonresidential over there in the  
2 vertical pink and white stripes. You see the dots, the 38  
3 percent, and that represent a commercial waste stream  
4 where business audits are performed. That 38 percent area  
5 represents what by far is the most costly in performing a  
6 new base year. That's where the money typically would go.

7 --o0o--

8 DEPUTY DIRECTOR SCHIAVO: In this particular case  
9 study what we did is we looked at a jurisdiction. It's  
10 the same one that I previously showed you the breakdown of  
11 those three areas. And in this jurisdiction there are  
12 7,600 businesses in the jurisdiction. In this particular  
13 case because there were 7,600 businesses, whoever  
14 performed this study decided to do business audits of 333  
15 businesses and then extrapolate it across to the 7,600  
16 businesses. What we wanted to test is the impact of the  
17 top business generators in the particular jurisdiction.  
18 We found that the top ten of the 7,600 businesses  
19 represented 50 percent of their diversion efforts. And if  
20 you go over to the far right-hand side, the top 30  
21 represent 70 percent of those 7,600 businesses. We  
22 wondered if we went down to maybe 50 of those largest  
23 businesses, would we get up into the 90 percent levels?  
24 Probably we would. It shows you maybe a more efficient  
25 way of looking at your waste stream and saving a lot of

1 money in performing your waste study.

2 --o0o--

3 DEPUTY DIRECTOR SCHIAVO: We then went on as a  
4 result of that test, and we looked at another 35 study to  
5 assess the impact of the top ten businesses. We found  
6 that 33 of the 35 businesses derived 50 percent or more of  
7 their diversion from the top 10, that 21 of the 25 are  
8 almost two-thirds of the businesses derived 80 percent or  
9 more of the diversion from the top ten businesses.  
10 Finally, we found that 13 of the 35 derived over  
11 90 percent of the diversion from the top ten businesses.

12 As a result of those -- and we didn't have time  
13 to take it down to a deeper level. But we would assume  
14 that if you go beyond the top ten to 20 to 50 businesses,  
15 you're going to capture almost all the waste stream or  
16 almost all the diversion from that business sector. So we  
17 recommend jurisdictions really look and audit their  
18 largest businesses before undertaking a major study and  
19 spending all that money.

20 --o0o--

21 DEPUTY DIRECTOR SCHIAVO: How have we done as far  
22 as observations of the current base year efforts? The  
23 quality submitted in the study appears to be improving,  
24 especially after we went through the creation of the new  
25 certification form and the verification processes. What



1 we found is the certification form has improved the  
2 quality of the data by tying programs to diversion  
3 tonnages. That's been a message the Board has been  
4 sending out quite frequently. It's provided jurisdictions  
5 with information on potential gaps in their program  
6 efforts so they can look and compare those programs to the  
7 number derived and make adjustments based on that. And  
8 it's, again, served as a useful tool in program evaluation  
9 and planning. And, again, while you spend 50,000 to  
10 perform a study of this nature, it can save you quite a  
11 bit of money in doing the program assessment and  
12 determining where your resources best fit in your  
13 particular jurisdiction efforts.

14 --o0o--

15 DEPUTY DIRECTOR SCHIAVO: Now, you know I just  
16 spoke regarding the diversion side of the effort. I'd  
17 like to now speak on the disposal reporting sector. And  
18 legislation required the Board to perform a report looking  
19 at disposal reporting system and methods to fix the  
20 disposal reporting system. The Board decided to expand  
21 that effort and look at the entire measurement system  
22 rather than just the disposal reporting system. So we  
23 undertook a pretty detailed and long process. We included  
24 partners from local jurisdictions, waste hauling industry,  
25 consultants, and other interested parties. We literally

1 sent the information out to thousands of people to review  
2 and comment on, and they came up with their final  
3 recommendations which the Board ultimately approved.

4           Some of the broad themes that were the potential  
5 for error existed in all components of the diversion rate  
6 measurement system. That would be the disposal reporting  
7 system, using the adjustment rate indicators as well as  
8 the diversion side of the efforts. Diversion rates are  
9 estimates or indicators. They must be coupled with  
10 program implementation, and program implementation must be  
11 coupled with diversion rate estimates. You can't use one  
12 without the other. You don't have any indication of true  
13 performance.

14           Small jurisdictions are more likely to have  
15 inaccurate diversion rates because of the order of  
16 magnitude of the numbers and what it can do to them.  
17 Again, we need to focus on diversion program  
18 implementation. However, that has to be coupled with  
19 estimations of diversion rates.

20                               --o0o--

21           DEPUTY DIRECTOR SCHIAVO: And in this particular  
22 case what we are looking at here is one way to improve the  
23 level of diversion calculation is through formation of  
24 regional agencies, because then you form larger areas and  
25 more comprehensive areas, especially in dealing with

1 disposal reporting where we had 533 jurisdictions in 1990.  
2 We now are looking at 445 as a result of regional agency  
3 formation. And we're continuing to promote that where it  
4 seems to make sense.

5 --o0o--

6 DEPUTY DIRECTOR SCHIAVO: Regarding activities to  
7 improve the disposal reporting accuracy, we're focusing on  
8 regulation revision at this time. We have been working on  
9 draft regulations. We've been taking the draft  
10 regulations out to public workshops and receiving input  
11 from affected parties.

12 We're looking at developing a daily tracking  
13 system, which a lot of jurisdictions already use. But  
14 that would still be coupled with quarterly reporting, and  
15 quarterly reporting would not change.

16 We're looking at enhanced training. We're  
17 looking at increased and better access to information, and  
18 we're looking at continuing to improve the automation  
19 efforts regarding the disposal reporting. We're looking  
20 at a disposal training web-based module being developed so  
21 people can access those pretty efficiently. Save them  
22 time. We're looking at continuing our random facility  
23 site visits and publishing results of those in our  
24 InfoCycling newsletter that goes out to interested  
25 parties.

1 --o0o--

2 DEPUTY DIRECTOR SCHIAVO: Regarding those site  
3 visits, these are unannounced site visits we commenced in  
4 the year 2000. And you can look on the far left side of  
5 the graphic here, and this represents Bay Area, southern  
6 coastal mountain, and central valley landfills that were  
7 looked at. And the performance level in 2000 was about 60  
8 percent. If you go to the far right-hand side,  
9 performance has increased significantly for all but the  
10 central valley area. We're working with those particular  
11 entities.

12 What we found is operators have been very willing  
13 to work with us and have been very cooperative. They're  
14 providing additional training to their gatehouse staff so  
15 the correct questions can be asked so they know how to  
16 probe a little better to get additional information. And  
17 many are going over to daily tracking system as a result  
18 to improve the accuracy of their information.

19 --o0o--

20 DEPUTY DIRECTOR SCHIAVO: In looking towards the  
21 future, we're trying, you know, to assess what are the key  
22 factors in looking towards the future. We're looking at  
23 obviously implementing statutes in the Strategic Plan,  
24 looking at saving our customers time and money, improving  
25 our information delivery system, and enhancing our tools

1 and accuracy, as well as leveraging the tools and  
2 technology to create staff time to assist an increased  
3 number of customers. We want to focus more on assistance  
4 and program implementation efforts and also focusing on  
5 the types of materials that are still left in the waste  
6 stream because we're trying to get well beyond 50 percent  
7 efforts.

8 --o0o--

9 DEPUTY DIRECTOR SCHIAVO: In looking at this  
10 characterization chart -- and, you know, the staff here  
11 have done an excellent job over the years in our  
12 characterization. We're on the cutting edge continually.  
13 Each time we perform one, we learn more and we enhance our  
14 abilities. In this particular graphic if you look, paper  
15 and other organics continue to be major contributors to  
16 that waste stream. So it tells us we need to keep focused  
17 in those particular areas. We're commencing a new study  
18 this year, and we're going to be adding a few -- four  
19 E-waste categories, used oil categories. We're expanding  
20 efforts out a little bit more, and it will be interesting  
21 to compare the results of this year's study to the prior  
22 two years and see what kind of progress we made. Because  
23 there's been a lot of additional programs coming online  
24 since 1999.

25 --o0o--

1           DEPUTY DIRECTOR SCHIAVO: What we'd like to do in  
2 the future is streamline the future of the Board biannual  
3 review for 2001 and '02. And what we'd like to do is  
4 reduce of number of agenda items coming forward that deal  
5 with the jurisdictions that have met 50 percent goal or  
6 reduced goals. You know, we would still perform the  
7 verification process by just eliminating the development  
8 of all of the agendas and going through the approval  
9 process. We'd save quite a bit of time.

10           We'd like to improve and streamline the diversion  
11 program in new base year verification process. We'd like  
12 to automate the new base year process similar to what  
13 we've done with the annual report. Those are some of the  
14 focuses in the near term.

15                               --o0o--

16           DEPUTY DIRECTOR SCHIAVO: We'd like to support  
17 local jurisdiction's ability to reach and maintain waste  
18 mandates. What we'd like to focus on are those  
19 jurisdictions most in need that haven't gotten there that  
20 are currently either on compliance orders or implementing  
21 SB 1066 efforts right now. We want to work with other  
22 state agencies to promote zero waste strategies. Again,  
23 we need to lead by example here in the state of  
24 California.

25                               --o0o--

1           DEPUTY DIRECTOR SCHIAVO: We want to encourage  
2 new recycling activities and new technology in all  
3 businesses and residences. We want to provide tools that  
4 the entire organization can continue to use. We want to  
5 target certain commercial sectors that seem to have the  
6 most opportunity to divert those materials that were  
7 previously shown on the prior chart. We want to expand  
8 our large public venue efforts as well as K through 12  
9 diversion efforts which we're beginning to do. And using  
10 the waste characterization data, especially the newer  
11 studies, want to be able to better anticipate future  
12 opportunities for diversion looking at new material types  
13 that are emerging from the waste stream.

14                               --o0o--

15           DEPUTY DIRECTOR SCHIAVO: We want to enhance our  
16 access to information internally and externally. We're  
17 looking at implementation of our juris system which would  
18 be combining data based together to get a better look and  
19 feel and make the opportunity available to staff  
20 throughout the Board and throughout the state of  
21 California and others that are interested in doing  
22 additional analysis of what we're seeing today.

23           We also are going to continue to enforce the  
24 current statute. And, again, we will be bringing forward  
25 jurisdictions that we feel are not implementing their

1 programs and reaching the diversion goals.

2 --o0o--

3 DEPUTY DIRECTOR SCHIAVO: Finally, over the last  
4 few years I think collectively the jurisdictions, haulers,  
5 consultants, and ourselves have learned a lot, especially  
6 over the last few years. State agencies and K through 12  
7 schools have come online, and we're going to be focusing  
8 more on them. So, again, our efforts are going to be  
9 expanding, not contracting. And while this may be the  
10 conclusion of my presentation to you, I think it's the  
11 beginning of trying to get additional diversion out of the  
12 waste stream and focusing more on the material types we  
13 need to focus on. So thanks.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
15 Mr. Schiavo. And you very modestly gave that report, but  
16 we know that this is a huge achievement.

17 I want to give Mr. Jones an opportunity to speak  
18 as Chair of the DPLA Committee. We had our last meeting,  
19 and I'll talk more about the reorganization of Committees  
20 a little while.

21 But you've worked very hard. Your staff has  
22 worked very hard. And we owe a great debt to your  
23 efforts. But also I just have to point out that the  
24 cities and counties and waste haulers working together  
25 have really achieved a great deal. And that's why we



1 heard this in Committee, but we thought it was important  
2 enough to hear it for the full Board. And I appreciate  
3 you going through this again. And, again, congratulations  
4 on all your hard work.

5 Mr. Jones.

6 BOARD MEMBER JONES: Thank you, Madam Chair. I  
7 appreciate it.

8 That was a heck of a Committee. DPLA was --  
9 besides Ms. Peace and Linda Moulton-Patterson and Jose  
10 Medina, Dan Eaton and I think Sal was on that. I don't  
11 remember. But we did 445 biannual reviews in about a  
12 three-month period, thanks to the efforts of our staff.

13 But what's more important than actually looking  
14 at the documentation to see how people scored, basically  
15 how they met the goal or the mandate, I think what's  
16 important in Pat's presentation is that there are in  
17 excess of 9,000 different programs being performed in 445  
18 jurisdictions statewide. That is an incredible commitment  
19 by local government and by those that provide services.

20 This 12-year experiment of AB 939 in diverting  
21 50 percent of the waste stream to this point has got to be  
22 graded as a success. And it's a success because of, I  
23 think, the efforts of all of our staff, the efforts of  
24 local government, and the haulers, and the recyclers, all  
25 the folks who do specialized recycling, and the citizens

1 of the state of California that participated in what was  
2 social change. They embraced it as part of their way to  
3 have a positive impact on the environment. And when you  
4 look at Northern California which has really 67 percent of  
5 the jurisdictions in compliance and Southern California  
6 where the majority of the waste is at 58 percent  
7 compliance, that is an incredible achievement by all those  
8 involved because it took years to build an infrastructure.

9 I think Mr. Schiavo referred to the fact we have  
10 spent tens of billions of dollars on programs, that we  
11 generate hundreds of millions of dollars in wages. But  
12 what we don't do yet and where our mission has -- we've  
13 always had a mission to increase market development. We  
14 landfill in excess of a ton a second. We divert a ton  
15 every second and a quarter. But it takes 360 seconds to  
16 buy a ton's worth of product made with recycled content.  
17 There is a disconnect between what we produce and what we  
18 recover. And that's got to continue to be one of the  
19 mandates and one of the missions of this Board.

20 Madam Chair, I appreciate you giving me time to  
21 talk about this because -- there were a couple of things,  
22 if I can just hit them -- Mr. Schiavo went over briefly.  
23 He talked about where we were, the process we went  
24 through, the accomplishments of the jurisdictions, and  
25 then what the future is. And I think a lot of credit goes

1 to the League of Cities. And I'll say that because Yvonne  
2 is sitting out there.

3 SB 1066, the extension of the mandate from the  
4 year 2000 up to another six years, which was carried by  
5 the League and endorsed by this Board, allowed  
6 jurisdictions the time to better understand their waste  
7 stream and put in the programs it was going to take. We  
8 have a lot of jurisdictions that are on SB 1066.  
9 Statewide we've only got 3 percent of the jurisdictions on  
10 compliance orders. That means they did not voluntarily  
11 try to come into compliance and it took an order of this  
12 Board to memorialize what needs to be done in the next  
13 step. If they decide not to do that, they will have to  
14 face this Board for a penalty hearing. It's never been  
15 our desire to penalize cities and counties. It's always  
16 been our desire to get them into compliance. And  
17 obviously it's working because the majority of them are in  
18 compliance.

19 I think it's important when Mr. Schiavo talks  
20 about that bill and SB 2202 working on the disposal  
21 reporting system. But I also think that the message he  
22 was trying to give when he was talking about new base  
23 years really goes to the heart of what had been a major  
24 issue at this Board, which was a lot of base years that  
25 were coming in that could not be -- some of the

1 information could not be substantiated. Some of the  
2 mathematical methodology had flaws in them. The Board put  
3 a stop, and it took a lot of courage, I think, for this  
4 Board to stop all the base years until we got it figured  
5 out.

6           So the information -- when Mr. Schiavo talks  
7 about new base years coming in, ways to do it easier,  
8 looking at the examples of 7,600 businesses in a  
9 jurisdiction and a consulting firm looking at 33 of them  
10 where -- when his group went out and looked at those top  
11 30 generators, found that it took into account almost 80  
12 percent of the waste stream and recycling activities.  
13 That's a message to cities and counties that you don't  
14 have to spend \$100,000, \$200,000, \$25,000. Look and see  
15 what's going on in your jurisdiction because there may be  
16 an easier way to get the information you need. Doesn't do  
17 a lot of good to go into 700 mom-and-pop's talking about a  
18 wastebasket full of generated material. Why waste the  
19 effort?

20           So I think that it was a message that kind of got  
21 glossed over, but it's a huge message we're able to  
22 deliver as a board to the public because of the efforts of  
23 automation and the success of the program. And I wanted  
24 to point that out, and I wanted to thank everybody and  
25 your leadership, Madam Chair. Thank you.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
2 Mr. Jones. And we want to thank you for Chairing that  
3 very work intensive Committee. And I'll speak more about  
4 the reorganizations of committees in just a moment. We do  
5 have one public speaker on this item. And that's Sean  
6 Edgar of CRRC.

7 MR. EDGAR: Madam Chair and Board members, good  
8 morning. Sean Edgar representing the California Refuse  
9 Removal Council.

10 A few thoughts to share with you this morning.  
11 Five years ago when the Board started looking at the year  
12 2000, many people in the industry were nervous as to what  
13 the outcome would be. The CRC had faith in the Board's  
14 effort to make a good-faith determination for AB 939  
15 enforcement, and we believe that the faith -- our faith in  
16 the Board has been well placed. CRC has supported the AB  
17 939 enforcement, reasonable 1066 time extensions,  
18 flexibility, and good-faith efforts.

19 Today, the state is at 48 percent, creating more  
20 opportunities to do more. Over two-thirds of a billion  
21 dollars have been invested this AB 939 programs. Today  
22 over 24 million Californians have curbside recycling  
23 services. There are curbside programs collecting over 24  
24 material types throughout this state. CRC members provide  
25 about a third of the state's programs with 50 MRFs and a

1 dozen compost facilities. Third-generation families have  
2 put the family silver on the line in order to fund AB 939.

3 CRC thanks the Board and its leadership on 939  
4 issues. We feel our investments have been protected.  
5 CIWMB has provided a credible path with flexibility and  
6 good-faith efforts to fit rural and urban site specific  
7 needs. And SB 1066 time extensions are putting more tons  
8 through the system. The plan of correction is the plan of  
9 opportunity for our members.

10 Waste Board staff have provided audits to ensure  
11 compliance, was achieved with programs instead of a  
12 calculator. In this era of Enron accounting, AB 939 had  
13 to maintain its integrity. CRC feels that the Waste Board  
14 has fulfilled its promise in conducting AB 939 enforcement  
15 activities.

16 A glimpse of our future, we believe that today's  
17 retrospective 939 is not an end, but just the beginning.  
18 AB 939 must be maintained for SB 2202 as the state strives  
19 toward the zero waste goal.

20 The DRS regulations need to be revised to  
21 benchmark our successes as well as collect reasonable data  
22 for the future. The industry looks toward diversion  
23 technologies to turn waste into fuel and non-burn energy  
24 products and potentially co-locate those facilities  
25 adjacent to our material recovery facility. Replacing

1 NTVE with ethanol deserves AB 939 recycling credits.  
2 Producing biodiesel to clean our air deserves AB 939  
3 recycling credits. Producing clean diesel technology for  
4 clean diesel fuels from waste plastics deserves AB 939  
5 recycling credits.

6 The signals are out there, and the signals tell  
7 us that more intensive collection operation are going to  
8 be needed. We see that the industry is upgrading our  
9 fleets to reuse air pollutant emissions. A clean diesel  
10 strategy, biodiesel, and other alternative fuels are  
11 already being used in California and will continue.

12 The Air Resources Board just last week has  
13 released a final refuse fleet rule for the solid waste  
14 industry, and we're working actively with them on their  
15 goals in that project.

16 In summary, AB 939 created the stimulus to build  
17 an infrastructure. The infrastructure basis is a  
18 sustainable society and the nexus toward solving  
19 multi-media challenges. CRRC is grateful to the Waste  
20 Board for protecting this critical path for the future.  
21 CRC looks forward closing the loop with conversion  
22 technology and reduce our waste, fuels our fleets, and  
23 cleans our air. Thank you.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you for  
25 taking the time to come speak with us.

1           And we have one more speaker, Ms. Yvonne Hunter,  
2   League of California Cities.

3           MS. HUNTER: Thank you, Madam Chair and members.

4           I hadn't planned on saying anything, which  
5   probably for me is unusual, but Mark Leary called to give  
6   me a heads-up about this retrospective. I thought I would  
7   come over. I'm very happy I did.

8           Pat, good job in summarizing the highlights. I  
9   think what is unique about AB 939, twelve years -- that we  
10   were all babies back then, I guess -- is that, indeed, it  
11   was a partnership. And through the successive Boards --  
12   none of you were on the original Board. But through the  
13   successive Boards, there has been a culture and a message  
14   to the staff and to local government and the waste  
15   haulers -- but I'm here on behalf of local government --  
16   that this is a partnership. And I think that has been  
17   very comforting and very positive. That doesn't mean  
18   we've always agreed, but we've had the opportunity to hash  
19   it out.

20          The list of bills that Pat talked about, I  
21   realize that I think the League was a sponsor or supporter  
22   of every single one of them. There were a whole bunch of  
23   other bills that weren't mentioned that were pre-1066, and  
24   Senator Sher was the author of all of them. I think that  
25   speaks highly of the collaborative process. And



1 throughout the history what has struck me is even outside  
2 of the legislative arena -- including the legislative  
3 arena, but a number of administrative issues when there  
4 has been a problem, we've been able to call the Board and  
5 talk to the Board members, the advisers, the staff,  
6 depends on who -- and this is no exaggeration -- to come  
7 together, sit down, roll up our sleeves, figure out what  
8 the problem is, and figure out a way to solve it that has  
9 generally met the needs of everyone.

10           And at least in my experience that is a unique  
11 opportunity. And all of you current Board members, former  
12 Board members, and the staff I think are to be  
13 complimented for that.

14           And lastly, Pat's comment about ways that local  
15 government can save money, that's not just an idle  
16 statement. I know there have been a number of times that  
17 the Board members and the staff have either called me with  
18 a heads-up or in consultation with local government and  
19 I've just happened to hear about it identifying, you know,  
20 you don't have to hire a consultant and spend tens of  
21 thousands of dollars. Here is a way to get from here to  
22 there to do what you need to do. You can do it in-house,  
23 and we'll help you do that. And that's truly unique. And  
24 it's not unique in this Board, but I think in government,  
25 state government in general.

1           So on behalf of the cities, thank you very much  
2 for your leadership, and we look forward to working with  
3 you in the years to come. Thank you.

4           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
5 Ms. Hunter, for your remarks.

6           Mr. Paparian.

7           BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

8           I think, you know, Ms. Hunter and Mr. Jones have  
9 both -- and Mr. Edgar as well have really said some  
10 important things about this program. Mr. Schiavo's  
11 presentation, I think, shows a lot about the success of  
12 the program, thanks to the partnership that several people  
13 have mentioned, the partnership between us and the  
14 localities.

15           In looking back, I'm thankful to the Board  
16 members who preceded me and the really hard work they have  
17 done and certainly the people on the DPLA Committee today  
18 who are continuing that hard work.

19           And as you might expect in a situation like this  
20 where you have hundreds of jurisdictions, there was some  
21 testing of the boundaries. You know, as Mr. Jones pointed  
22 out, I think some people tried to use statistics and tests  
23 the kind of statistical and legal boundaries of the  
24 system. And in some cases they got their hand slapped or  
25 in some cases they realized that perhaps wasn't the way to

1 go. What I like to think about is the people who have  
2 tested the boundaries at the other end to see what's  
3 really possible. And I think a lot of the local  
4 jurisdictions have really stepped up and said it's not  
5 just the 50 percent number, it's really a program and a  
6 philosophy we need to adopt. A number of jurisdictions  
7 and perhaps the majority of jurisdictions in California  
8 really stepped up and really have shown what can be done.

9 I think in those cases maybe it's our role to  
10 help, as we've done, point out the good work that's being  
11 done in those jurisdictions and spread the word about the  
12 good things that are going on in things like organics  
13 diversion, food waste diversion, public venues, and other  
14 things. It's also, I think, our job to show through pilot  
15 projects in some of these areas what may be possible, what  
16 may work, and what may not work. And I'm sure we're going  
17 to be continuing to do.

18 And those will be things I'll be supporting as  
19 well as some of the broader issues which I think will help  
20 the overall efforts, some of the things that were  
21 identified in our Strategic Plan, like product stewardship  
22 and zero waste and addressing some of problematic  
23 materials that continue to plague the waste stream but  
24 offer, I think, some opportunities to apply some creative  
25 thinking and get some good work done. So good work to

1 everybody.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
3 Mr. Paparian.

4 I did want to welcome Mr. Ralph Venturino who's  
5 representing the Attorney General's office for us today.  
6 Welcome.

7 MR. VENTURINO: Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: And I neglected  
9 earlier during my report to mention the reorganization of  
10 our Committee structure. And due to concerns raised by  
11 Bagley-Keene, I decided to restructure the Committees with  
12 a three membership rather than four. We had assurances  
13 from the Attorney General that we could meet if only two  
14 were there, and that had been my concern earlier.

15 So with that, these new Committees will be  
16 starting in June. And Permitting and Enforcement  
17 Committee will be meeting on Mondays either at 1:00 or at  
18 11:00, depending on the length of the agenda. And  
19 Mr. Paparian is Chair of that Committee, and he will  
20 determine the time that that will meet. And on that  
21 Committee, as I say, Mr. Paparian is Chair, with Steve  
22 Jones and Cheryl Peace as members.

23 On Tuesday at 9:30 we have our Special Waste  
24 Committee, and Mr. Medina has agreed to be Chair, again,  
25 of that Committee. And that will include Steve Jones and

1 Mike Paparian.

2           Also on Tuesday at 1:30 we will have the  
3 Sustainability Markets Committee, and this will include  
4 DPLA items. Mr. Jones has agreed to be Chair of that  
5 Committee. We'll be looking at the future of 939 and many  
6 other things. And Cheryl Peace and Mr. Washington will be  
7 on that Committee.

8           On Wednesday at 9:30 we have a new Committee, an  
9 education Committee, Education and Public Outreach  
10 Committee that all of us feel is very important. And  
11 Ms. Peace has agreed to be Chair of that Committee. And I  
12 appreciate that very much. I will be on that Committee,  
13 along with Carl Washington.

14           Wednesday at 1:30 we will have our Budget and  
15 Admin Committee. Mr. Washington has agreed to be Chair  
16 again of that. And Mr. Medina and myself were serve on  
17 that.

18           So as you can see, we'll be very busy on our  
19 Committees. The Committees meet the week before the Board  
20 meeting, and that can be either the second week of the  
21 month or the first, depending on how the Board meetings  
22 run. So I wanted to let you know about that. And as I  
23 say, this will begin in June.

24           I'm now going to call on Mr. Leary for his  
25 Executive Director's report. Then we will take a short

1 break, and then we will continue on with the agenda.

2 Mr. Leary.

3 EXECUTIVE DIRECTOR LEARY: Thank you, Madam

4 Chair. Good morning, members.

5 Before I get to my formal prepared comments, I'd  
6 like to offer one little observation about Mr. Schiavo's  
7 presentation from the staff perspective. I think among  
8 the many accomplishments of the Davis administration and  
9 CalEPA, I think Secretary Hickox points out as one his  
10 major accomplishments is the creation of the environmental  
11 protection indicators of California. And among those  
12 indicators, of course, is waste diversion among the broad  
13 category of indicators.

14 I think it's useful to point out -- it's  
15 appropriate to point out the success of 939 as being  
16 attributable of enormous efforts of the solid waste  
17 industry and our staff and the Board. However, singling  
18 accomplishment of our Board staff is the measurement for a  
19 system that was created pursuant to 939, and there's an  
20 old saying in management, you can't accomplish what you  
21 can't measure.

22 It's the creation of that infrastructure that  
23 leads us to make this conclusion about the success of 939  
24 people, I think, will ultimately be a model for all of  
25 CalEPA as they go forward with the environmental

1 protection indicators. That is we've got an  
2 infrastructure that's unparalleled across the BOEs and  
3 across the world, I think, in terms of our ability to  
4 manage the measurement and the movement of waste in this  
5 state. And with that measurement system we can accomplish  
6 whatever we choose to accomplish as we strive for zero  
7 waste.

8           And I think we've offered our services to CalEPA  
9 and the folks in the other BEOs to share our experiences  
10 about building that measurement system so they too can  
11 build measurement systems around the other environmental  
12 protection indicators as we go forward.

13           So I think -- I just wanted to point that out to  
14 the Board and appreciate that we wouldn't be lauding these  
15 accomplishments if we didn't have the measurement system  
16 that Pat Schiavo and the Diversion, Planning, and Local  
17 Assistance team has created.

18           Anyway, in terms of my formal Executive  
19 Director's report, I have a number of items, Madam Chair,  
20 starting with the Crippen site in the City of Fresno. The  
21 Crippen cases continues to be dynamic and a high priority  
22 effort for the Board since we helped put out the fire in  
23 February. Cost recovery for the Board's expenditures are  
24 underway and are being coordinated by our legal office.

25           Much of our current effort is facilitating, along

1 with other agencies, the clean up of the estimated 74,000  
2 cubic yards of residual debris that remains there. These  
3 piles contain significant quantities of combustible  
4 material with still a potential for fire. The LEA is  
5 monitoring temperatures every other day with assistance as  
6 from Board staff. Response procedures are currently in  
7 place to ensure that a new fire would be suppressed if a  
8 new fire were to start until the piles are removed.

9           The Board's March sampling and analysis concluded  
10 that the material's appropriate to go to a Class III  
11 landfill. The estimated cost for removing that material  
12 and disposing of it at the nearest disposal facility, the  
13 county-owned and operated American Avenue Landfill, is  
14 substantial, more than \$2 million. The property owner,  
15 Mr. Crippen, has stipulated that while he's responsible  
16 for removing the piles, he's financially unable to do so.  
17 Fresno County has specifically requested a Board-managed  
18 clean up for the residual piles.

19           To reduce costs, regardless of who conducts and  
20 pays for the actual clean up, we've been pursuing the  
21 option of processing and using the debris as alternative  
22 daily cover and obtaining a waiver of disposal fees at the  
23 nearest acceptable disposal facilities. As a matter of  
24 fact, the Fresno County Board of Supervisors will be  
25 considering the request to waive the tipping fees of



1 American Avenue Landfill later today, and Wes Minderman  
2 will be representing us at the meeting.

3           At the same time we've also requested that the  
4 City of Fresno provide a substantial contribution to the  
5 final remediation of the site in terms of a funding  
6 commitment or in-kind services. On May 2nd, 2003, the  
7 City Manager sent a fax indicating the city's intent to  
8 provide in-kind assistance and its support for the  
9 county's accepting removal materials as ADC and waiving  
10 the tipping fees.

11           Staff will further review the city's proposed  
12 contribution in light of the impending tipping fee waiver.  
13 We anticipate bringing an agenda item for your  
14 consideration in June with potential options for cleaning  
15 up the residual clean up piles.

16           On the same vain and related, I'd like to report  
17 we have continued to make progress on the extensive  
18 statewide investigation and follow-up of the C&D and other  
19 wood waste sites in light of the Crippen fire. As you may  
20 recall, we presented an Action Plan on this project at the  
21 March Board meeting.

22           Seventy-seven facilities and operations have been  
23 identified that would be subject to either the Board's  
24 recently effective compostable materials regulations or  
25 the recently adopted C&D regulations, which we anticipate

1 submitting for final approval by Office of Administrative  
2 Law later this month.

3           Of those sites, three were determined to be high  
4 priority for immediate action, as they are extremely large  
5 piles with the potential for fire. All three are now  
6 under enforcement actions by the LEAs, and we continue to  
7 be directly involved in tracking that enforcement  
8 progress.

9           At the site of most concern, Florin Perkins in  
10 Sacramento County, some progress has been made in reducing  
11 the pile sizes and temperatures. However, we remain  
12 concerned that the operator is not fully complying with  
13 the cease and desist order, which requires complete  
14 removal of the piles by early June. The operator has  
15 challenged the order by filing an appeal with the LEA,  
16 which will be heard by a local hearing panel on May 30th.

17           At the second site, the River Ranch in Riverside  
18 County, the LEA is in progress on settlement negotiations  
19 based on a court order.

20           And then finally the Bethencourt site in Imperial  
21 County has been issued a cease and desist order by the  
22 LEA. This is one of the sites before you today in Agenda  
23 Item 1 for approval of clean up under the Solid Waste  
24 Cleanup Program. Board approval of clean up will provide  
25 additional leverage on the property owner to clean the

1 site up himself. If the property owner does not comply  
2 with the cease and desist order and clean it up himself,  
3 our clean up program will be able to ensure that the site  
4 gets cleaned up in a timely manner and with cost recovery.

5 An additional 10 sites are being followed up as  
6 medium priority cases. Those sites have quantities of  
7 stored materials of far less than we believe necessary for  
8 Crippen-like conditions but have other public health and  
9 safety concerns. Actions range from enforcement actions  
10 by the LEAs as accusing them of being illegal chipping and  
11 grinding facilities to verification of site clean ups  
12 under enforcement actions by local code enforcement  
13 agencies.

14 The remaining 64 sites continue to be tracked for  
15 compliance with the Board's compostable materials and C&D  
16 regs as they become applicable. I'd like to very briefly  
17 thank the continuing hard work of Scott Walker, Glenn  
18 Young, and all the P&E division as they work to eliminate  
19 these potential sites.

20 Still in the P&E area I'd like to report on the  
21 continuing waiver of the Heaps Peak Transfer Station in  
22 San Bernardino County. At your March meeting I reported  
23 to the Board that the LEA for the County of San Bernardino  
24 had been granted an emergency waiver to increase tonnage  
25 at the Heaps Peak Transfer Station near Lake Arrowhead.

1 The station is receiving excess amounts of wood waste as a  
2 consequence of dead and dying trees that have been  
3 weakened by drought and attacked by an infestation of bark  
4 beetles.

5           On April 8th, 2003, the County Board of  
6 Supervisor adopted a resolution continuing the local  
7 emergency related to the bark beetle infestation. And on  
8 April 18th, 2003, the LEA granted an additional emergency  
9 waiver pursuant to the regulations to increase the days  
10 and hours of operation at the transfer station. This  
11 waiver is effective through August 16th, 2003. Diversion  
12 programs include processing wood waste for use as  
13 alternative daily cover and fuel for off-site industrial  
14 use.

15           As you know, the regulations provide that the  
16 Executive Director may condition, limit, suspend, or  
17 terminate an operator's use of a waiver. In this case,  
18 I've chosen to do none of those, as I think waiver is  
19 appreciated.

20           In the area of tires, we'd like to report  
21 positively on some terrific website enhancements that have  
22 occurred as we implement our manifest system. Last week  
23 staff published a number of major enhancements and changes  
24 to our tire website in support of the new waste tire  
25 manifest system. Most significantly, the Waste Tire

1 Manifest portion of the site now contains all the  
2 materials developed for the program to date; an online  
3 manual for tire manifest system requirements; forms, as  
4 well as the ability to order forms online; tire program ID  
5 applications; frequently asked questions about the  
6 program; instructions for obtaining training manuals; and  
7 other information.

8           I encourage you to check out this full-featured  
9 site which is one of the foundational pieces in the  
10 Board's ability to share information on the program's  
11 regulatory requirements. Development of this website was  
12 a key component of the tire manifest system program  
13 implementation. It will support our program announcement  
14 currently underway to the 8,000-plus members of the  
15 regulated community and in training sessions that are  
16 scheduled to begin next week here in Sacramento. The  
17 website will be augmented as additional components of the  
18 program are put in place.

19           Again, special recognition is due to our staff  
20 and the Information Management Branch, Meirve Davey,  
21 Andrea Hoffman, and Paige Lettington, as well as Keith  
22 Cambridge of our tire program.

23           Moving to the markets program, I had the good  
24 fortune two weeks ago to attend, along with more than 300  
25 eager participants, the first sustainable building

1 conference for California's higher educational systems at  
2 UC Merced. Although the Board did not provide any funding  
3 for this event, our green building staff played a major  
4 roll in organizing it.

5 Overall, the conference was a success on many  
6 fronts, and I believe there is a tremendous promise to  
7 transform how the University constructs its building in  
8 the future. UC Merced Chancellor Carol Tomlinson-Keasey  
9 clearly supports sustainability and is taking the  
10 necessary steps to make the vision a reality on the new  
11 campus.

12 Representatives from different higher education  
13 systems had an opportunity to learn more about each other.  
14 Students, who play an instrumental role in the bottom-up  
15 changes, were present and made thoughtful presentations.  
16 Congressman Dennis Cardoza of Merced and US EPA Regional  
17 Administrator Wayne Nastri, and University decision-makers  
18 were also present. And we hear they left with a lot of  
19 enthusiasm. We heard lot of talks about doing another  
20 conference and follow-up work, a sure sign of success.

21 There are a lot of positives to be gleaned from  
22 this experience. The Merced region is one of the most  
23 economically impoverished and ethnically diverse regions  
24 of the state, so a major university in this location is a  
25 real plus in terms of environmental justice and

1 environmental protection. And given that the site is  
2 undeveloped, there is a wonderful opportunity for  
3 innovative planning that can provide maximum environmental  
4 benefits. Certainly, a campus designed with a focus on  
5 sustainability can become a research center where there is  
6 a follow-up and evaluation of the construction, as well as  
7 evaluation of recycled content materials at times.

8           If I've said it once, I've said it a thousand  
9 times, the whole idea of the zero waste university campus  
10 I think is something they ought to consider. Above and  
11 beyond simply the sustainability of the buildings I think  
12 there's a real opportunity for the infrastructure to be  
13 created and manage all the materials on site and put it  
14 all to productive use. I'd like to extend a kudos to the  
15 green building staff for their tremendous effort in  
16 regards to making the conference a success. It was  
17 clearly recognized by all the participants. Their  
18 contributions are building the Board's reputation as a  
19 leader in this area.

20           And with that, Madam Chair, I conclude my report.

21           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
22 Mr. Leary. We appreciate that. I don't see any questions  
23 at this time so we'll have a ten-minute break.

24           (Thereupon a recess was taken.)

25           CHAIRPERSON MOULTON-PATTERSON: I'd like to call

1 the meeting back to order.

2 Mr. Jones, any ex partes?

3 BOARD MEMBER JONES: Yeah. I had the pleasure of  
4 talking with Mr. Cupps, Mr. Greco, Terry Leveille, and  
5 Mark Homestead. I think that was it. Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Ms. Peace.

8 BOARD MEMBER PEACE: I don't have any to report.

9 CHAIRPERSON MOULTON-PATTERSON: I have none to  
10 report.

11 Mr. Medina.

12 BOARD MEMBER MEDINA: None to report. Up to  
13 date.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

15 BOARD MEMBER PAPARIAN: Mark Aprea and John  
16 Cupps.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 Mr. Washington.

19 BOARD MEMBER WASHINGTON: Yes, Madam Chair. I  
20 failed to acknowledge a letter I received from Compton  
21 Community College this weekend requesting some resources.  
22 And I should have ex partes that earlier so I want to ex  
23 parte that now. And that brings me up to date.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

25 We're going to go back to the beginning, Item



1 Number 1, our Permits, LEA, and facility compliance  
2 section of our agenda.

3 Before I call on Mr. Paparian, the Chair of that  
4 Committee, I would like to sincerely thank Scott Walker  
5 for all of his hard work on some very, very difficult  
6 items. And we just think you're the greatest and thank  
7 you so much for that hard work.

8 And I would also like to welcome the new Deputy  
9 Director of P&E, Howard Levenson. Welcome, Mr. Levenson.

10 And with that, I will call on Mr. Paparian for  
11 his report.

12 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
13 And I want to echo your comments about Scott Walker.  
14 Scott was a pleasure to work in his roll as Acting Deputy  
15 Director. And we're looking forward to continuing to work  
16 with Scott on issues in the future and also to work with  
17 Howard Levenson in his new roll.

18 Madam Chair, as you mentioned earlier, that we're  
19 anticipating a new start time typically for the Committee  
20 of 1:00 p.m. on Mondays, but folks ought to keep an eye on  
21 the agenda announcements because if it looks like we have  
22 a heavy agenda, we may push for an earlier start time  
23 occasionally. Most of the time it will be a 1:00 start  
24 time. But if there's a particularly heavy agenda or if we  
25 have a special workshop or some other need, we might start

1 the Committee earlier in the day.

2 In terms of the Committee meeting -- actually, I  
3 want to first mention we had a workshop last Thursday on  
4 permitting-related issues. It was a very informative  
5 workshop and we kidded staff about having I think it was  
6 194 or 191 slides, 190-some slides to present. But I  
7 think Mr. Jones, Ms. Peace, and myself were actually  
8 captivated by the presentation. It was an excellent  
9 presentation and brought out a number of issues that I  
10 believe Howard will be summarizing so we can decide what  
11 to pursue in the future.

12 One item of particular interest to me, as I know  
13 some of the other Board members have raised issues and  
14 concerns about what our authority and jurisdiction is over  
15 landfill permits. I think it may be possible to explore  
16 what future standards or state minimum standards we might  
17 want to change in light of how we might want to regulate  
18 landfills in the future.

19 In terms of the P&E Committee itself, we had four  
20 items on the consent calendar. Those have already been  
21 dealt with. We had one item on fiscal consensus, which  
22 will be received as an abbreviated presentation. And that  
23 has to do with new projects for the solid waste disposal  
24 and disposal site clean up program.

25 The Sunshine Canyon item, as was mentioned, is

1 going to be heard at a time certain 3:00 today. We did  
2 bring up -- we did hear presentations from some community  
3 members as well as the applicant at the Committee hearing  
4 last week. And we asked staff to prepare responses to  
5 some of the questions and issues that were raised, and  
6 staff has prepared an excellent summation of those  
7 responses. And I think everybody was provided copies of  
8 that a few days ago.

9           And then finally, we have one item for -- one  
10 additional item to come to the Board in a few minutes.  
11 That's the proposed regulations for the waste tire  
12 monofill regulations. That will be regulations and a  
13 negative declaration. I think Howard may have something  
14 too.

15           CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,  
16 Mr. Levenson.

17           DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair  
18 and Board members. And I also want to join the Scott  
19 Walker parade and thank Scott for all the work he did. He  
20 really did double duty for a long time, and I think he  
21 deserves our thanks. He's going to be going on vacation  
22 next week, and he really deserves it. And thank you,  
23 Scott. We'll get you back in the swing of things after a  
24 week off.

25           I also wanted to thank staff for the work that

1 they did on the May 8th workshop that Mr. Paparian just  
2 described. There was a tremendous amount of work that  
3 went into that and part of folks like Sharon Anderson,  
4 Mark De Bie, and Melissa Hoover-Hartwick, and Georgianne  
5 Turner and a number of others in putting together that  
6 190-odd slide primer, which I think we all got a lot out  
7 of. It was a lot of good information raised, a lot of  
8 Board members and the audience raised a number of issues  
9 that we talked about before but continue to talk about.

10 I'll be sending around a short memo either -- I'm  
11 jumping in and out here. I'm not sure everybody is  
12 hearing me. I'll do what we can. A short memo later  
13 today or tomorrow morning that just recaps the 12 or 15  
14 issues that we heard most succinctly at the meeting. And  
15 then we'll be talking internally among the P&E management  
16 to try to come up with a cohesive plan with tackling those  
17 issues and bring that back to you over the next few  
18 months.

19 Today I know we have a tight time frame so we're  
20 going to jump right into Item 1, and that is on fiscal  
21 consent at both the P&E and Budget Committees. The item  
22 is consideration of new projects for the solid waste  
23 disposal and codisposal site and clean up program. And  
24 basically we are asking for your approval of seven  
25 clean-up sites. Two are illegal disposal clean up grants

1 and five for Board-managed clean ups for a total of \$1.825  
2 million. Two of the sites the Ralcco site and the  
3 Bethencourt site are the direct result of the  
4 investigation that staff undertook in the last few months  
5 to identify C&D and wood waste sites. The Bethencourt  
6 site, as Mr. Leary mentioned, was one of the top three  
7 priority sites that we identified in that process. We're  
8 pleased to bring that to you very quickly for your  
9 approval for the clean up.

10 In light of the time constraints I'm just going  
11 to go ahead and provide the staff recommendation that the  
12 Board approve Option 1 and adopt resolution 2003-283.  
13 Scott Walker is available if you have any questions on any  
14 of the particular project sites.

15 CHAIRPERSON MOULTON-PATTERSON: Thank you.  
16 Mr. Jones.

17 BOARD MEMBER JONES: Madam Chair, I'll move  
18 adoption of Resolution 2003-283, consideration of new  
19 projects for the solid waste disposal and codisposal site  
20 cleanup program.

21 BOARD MEMBER PEACE: Second.

22 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
23 by Mr. Jones, seconded by Ms. Peace to approve Resolution  
24 2003-283.

25 Please call the roll.

1 SECRETARY WADDELL: Jones?

2 BOARD MEMBER JONES: Aye.

3 SECRETARY WADDELL: Medina?

4 BOARD MEMBER MEDINA: Aye.

5 SECRETARY WADDELL: Paparian?

6 BOARD MEMBER PAPARIAN: Aye.

7 SECRETARY WADDELL: Peace?

8 BOARD MEMBER PEACE: Aye.

9 SECRETARY WADDELL: Washington?

10 BOARD MEMBER WASHINGTON: Aye.

11 SECRETARY WADDELL: Moulton-Patterson?

12 CHAIRPERSON MOULTON-PATTERSON: Aye.

13 Okay. That takes us to Item 8, I believe.

14 DEPUTY DIRECTOR LEVENSON: Yes, ma'am. Item

15 Number 8 is consideration of the adoption of a negative  
16 declaration State Clearinghouse Number 2003032128 and the  
17 proposed regulations for the waste tire monofill  
18 regulations. Keith Kennedy from the Permitting and  
19 Enforcement Division will provide with you a short  
20 presentation. I'm aware of at least one speaker request  
21 from the audience.

22 MR. KENNEDY: Good morning, Board members.

23 CHAIRPERSON MOULTON-PATTERSON: Good morning.

24 MR. KENNEDY: Currently there are no specific  
25 regulations to govern the design or operation of facility

1 that accept and dispose of only waste tires.

2 Can you hear me?

3 CHAIRPERSON MOULTON-PATTERSON: No. Try it  
4 again. There we go.

5 MR. KENNEDY: This Board has determined that the  
6 handling, processing, and disposal of waste tires into a  
7 landfill or monofill can pose a threat to the public  
8 health, safety, and the environment. And therefore, seeks  
9 to place all waste tire monofill facilities into the  
10 Board's regulatory framework.

11 The adoption these regulations will impose new  
12 operating sampling and analysis requirements on each waste  
13 tire monofill facility. An initial study and proposed  
14 negative declaration to support the adoption of these  
15 regulations was prepared and is also before you for your  
16 consideration.

17 Several revisions to the regulations have been  
18 made through three reviews and -- public review and  
19 comment periods and with the help of Dr. Dana Humphreys,  
20 the Water Resources Control Board, and the Office of State  
21 Fire Marshal.

22 At this time the California asbestos monofill in  
23 Calaveras County is the only proposed waste tire monofill  
24 in California. Representatives from the community are  
25 here today to address the Board.

1           In conclusion, staff recommends that the Board  
2   adopt Resolution Number 2003-294 to the negative  
3   declaration and Resolution Number 2003-292 for the  
4   proposed regulations for forwarding to the Office of  
5   Administrative Law for approval.

6           This concludes staff's presentation. I'd be  
7   happy to answer any questions.

8           CHAIRPERSON MOULTON-PATTERSON: Thank you very  
9   much.

10          I see no questions at this time so we'll go to  
11   the public speakers.

12          Mr. Bob Miller. Welcome, Mr. Miller.

13          MR. MILLER: Thank you very much.

14          I dropped off the newspaper up there on your desk  
15   I'd like to point out that for some twelve years I have  
16   had Parkinson's Disease. And they don't know what causes  
17   Parkinson's Disease. They think it's caused by the  
18   environment from toxic chemicals. So consequently --

19          CHAIRPERSON MOULTON-PATTERSON: Mr. Miller, I'll  
20   pass this along to the other Board members so they may see  
21   it also.

22          MR. MILLER: In case you got your computers on,  
23   NetScape, Google, Bob Miller, Parkinson's, you'll find  
24   three articles in there on me. And it was published in  
25   the Modesto Bee three full pages on my operation at



1 Stanford where they drilled holes in my head and  
2 inserted --

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Miller, can  
4 you speak directly into the mic. I'm sorry. The court  
5 reporter's having a hard time hearing you.

6 MR. MILLER: There you go. I have had two holes  
7 drilled in my skull. I have wires coming down to  
8 computers in my chest, and I'm plugged into today even  
9 though I do have the shakes. You don't know the thrill of  
10 being able to button your shirt, nor smile. Because when  
11 you have Parkinson's, you don't have those abilities.

12 So I would like to address my particular concerns  
13 today to Mr. Paparian, Mr. Medina, and Ms. Patterson in  
14 that you are appointed by the Governor to watch out for  
15 our environment. I pulled that up on the computer. I  
16 think you're supposed to be watching out for our  
17 environment.

18 The documents that -- on the table today  
19 references the environmental justice law. And in that the  
20 writer took out the excerpts that apply to him, but it  
21 didn't apply to the community. You have been very nice in  
22 coming to our community and listening to our concerns.  
23 But still at the same time I don't see any real results,  
24 nor conversation or written documents back to me regarding  
25 the concerns.

1           We have a biggest hole in the ground you can ever  
2 see. You can put this building inside that and the first  
3 eleven floors would be below the water level. So the  
4 environment is not being addressed. We have contaminated  
5 water up there in case of fire.

6           So I'd like the Resolution that's before you to  
7 be changed so that when it goes to the State Water  
8 Resource Control Board they would know that they have to  
9 look not just at burying tires, but there is the  
10 possibility of a tire fire. If there's a tire fire, there  
11 will be contaminants in the air, and they will fall into  
12 the water.

13           That water today is being negotiated by the city  
14 of Tracy, Manteca -- or Escalon and Farmington. There's  
15 going to be a 52-inch diameter water pipe going to those  
16 communities because of -- I call it contaminated  
17 groundwater. And in the contaminated groundwater, the  
18 materials taken from the Westley tire site was delivered  
19 and dropped off at the landfill between Highway 99 and the  
20 Stockton airport.

21           So, consequently, we are making a mess. We're  
22 moving contaminants from here over to here and then turn  
23 around and taxing the residents to bring in a water  
24 treatment plant to give them clean water, when, in fact,  
25 we are now allowing facilities to bury some 42 million

1 tires up there. It's going to be something like 2,000  
2 cells, and I'm sure they have documents that they are  
3 going to put -- 2,000 cells times two is 4,000 read out  
4 pieces of information in there. This isn't acceptable to  
5 the community.

6           Along those same lines, you have a solid report  
7 from Keith here regarding -- what was it -- December the  
8 10th meeting in Copperopolis. It indicated in there that  
9 the state fire marshall showed up and the State Water  
10 Resource Control Board. The state fire marshall sent a  
11 lady down who didn't know about this situation and said  
12 the night before she got word of it and she says all they  
13 have to do is call and we'll come talk to them. That  
14 isn't the way the mutual order of understanding with the  
15 state fire marshall. He's supposed to be involved with  
16 altering documents, revising state laws, things of this  
17 nature. So we're not getting a fair shake down there. I  
18 think you ought to stop and take a good look at that.

19           The information that was available on the website  
20 regarding the California Integrated Waste Management,  
21 GeoSyntec was referenced as the consulting firm. Now,  
22 that document is four and a half years old. It was  
23 prepared prior to the Westley tire site and also before  
24 the Tracy tire site. And Dr. Humphreys was not available  
25 to us. He was available to this organization here. So we

1 didn't get a fair shake as far as the information on the  
2 table.

3           Now the thing is that even more binding on this  
4 thing is that the California tire report pointed out that  
5 the author of the GeoSyntec stated publicly that document  
6 had nebulous information in it. If he submitted a  
7 document to this Board and this Board paid for that  
8 document and then to have the man say that, "It's  
9 nebulous," then I think you should go back and get your  
10 money back and go after that consultant's paperwork.

11           And, finally, I'd like you to put in your  
12 document that the approving agencies will recognize those  
13 tires can catch on fire. It's documented in your  
14 procedure. And if they do, are they still going to put  
15 the stamp on there? Stockton Water District questioned  
16 contaminants in the water and it was referred back to the  
17 State Water Resource Control Board. That's passing the  
18 buck. It's like putting candy out there to the kid and  
19 saying, "You can't have any." This isn't right.

20           Also the Tridem Authority from the Federal Energy  
21 Regulatory Commission wrote a letter to California  
22 Integrated Waste Management and also Calaveras County  
23 asking them to watch out to make sure they didn't  
24 contaminate the water. To my knowledge there's been no  
25 response to that. I think that should be looked at.

1           So I'll close up here and shut up. The Azusa  
2 Landfill, you had a report on the Azusa Landfill. There's  
3 also a report from Fred Leverage that ate that thing alive.

4           So I'd like you to take another look and not  
5 approve this moving on. Let's just back up and regroup  
6 the troops and bring the community of Copperopolis back  
7 into the picture. Thank you.

8           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
9 Mr. Miller. I know a number of us have been out to  
10 Copperopolis and visited.

11          Billie Britt followed by Willa Hirschaut.

12          MS. HIRSCHAUT: The other speaker's Billie Britt,  
13 and I'm Willa Hirschaut.

14          Thank you very much for listening to us. We're  
15 extremely concerned about our very small community resort  
16 area around beautiful little -- the four bay of Melones  
17 Lake. We have a part-time population which makes it very  
18 difficult for us to get a large number of people together,  
19 although we have had 50 to 60 during the week to come and  
20 listen to the regulation people that you've sent out.  
21 We've heard regulations' people three times, and we're  
22 glad you're making regulations. We just don't want to get  
23 that far along where we need regulations.

24          One of the main concerns is this big hole in the  
25 ground was an asbestos mine. It's had asbestos fill put

1 into it for years. They have already put in a number --  
2 something like 40,000 tires -- something like 40,000 tires  
3 have already been put into this hole in the ground under  
4 some temporary kind of permit.

5           We're very concerned. The mine is very deep.  
6 The rocks in that area are sedimentary and the water can  
7 flow through them. There is a quake zone in that area.  
8 We're concerned that they didn't used to let people walk  
9 over that area because of the asbestos tailings that were  
10 left over from the mine. Now they're going to take those  
11 asbestos tailings, put tires -- and cut tires up and put  
12 them into bundles and scrape the asbestos tailings over  
13 the tires. You can't tell me that's not going to be in  
14 the air, because they're required to wear these masks all  
15 the time.

16           Well, what about us down -- half a mile down the  
17 road in our homes, and the lake is within 900 yards of  
18 this mine. That's less than half a mile. Tridem is  
19 concerned. The people in our area are concerned. And I'm  
20 concerned that all of these causality tire fires that you  
21 had, that they might decide they need a place to put those  
22 and get them out of the valley, which isn't so very far  
23 from us. How come the central valley is getting all this  
24 trash? And I hope nobody's planning to bring those burned  
25 tires any more than they have already and dump them in

1 that hole in the ground and scrape up the asbestos dust  
2 and cover them up. It is a big cover up. I think it's  
3 going to come back to haunt us all. There's enough tires  
4 in there. We don't need any more.

5 I want to talk about the environment there is  
6 very beautiful, trees, lots of resort areas going up.  
7 It's growing in value. It could really decimate the value  
8 of the area up there if we have a problem, besides all the  
9 illnesses it may cause.

10 The road is just a little two-lane road. It  
11 crosses a bridge that's 55 years old that has never had  
12 any work. And as you come to that bridge, you come down  
13 off a hill about 300 feet high and you weave your way down  
14 a curve until you come to about a 90-degree turn to get on  
15 to an old concrete bridge that's 55 years old, two lanes.  
16 And last year we had a huge truck go through the bridge  
17 and over the rail and dump into the lake that was filled  
18 with concrete. We already have enough truck traffic up  
19 there. But this gentleman was killed, and it was really  
20 kind of exciting to watch them try to pull that truck  
21 out -- off of that bridge.

22 I really appreciate the comments of Mr. Paparian  
23 where he talks about teleconferencing and staying in  
24 closer touch with local communities. That would be a big  
25 help. And we want you to think about recovering this tire

1 disposal business and turn it into a recycling project. I  
2 really feel like you can make electricity, which everybody  
3 needs. You can do something with it in a positive way. I  
4 think the roads, you know -- think of some other way. And  
5 I've been listening with eager anticipation to all the  
6 ideas that I've heard today in that direction, and I  
7 really appreciate those.

8 I think that covers just about everything.

9 One of the main things that has just recently  
10 come to our -- we've been alerted by Bob Miller through  
11 the e-mail is the long history of the Waste Management,  
12 Incorporated, and hundreds and hundreds of litigations  
13 that that company is going through right now. And we  
14 brought open copies for each you. If you go on your  
15 website or check with your attorneys and see what kind of  
16 hazardous litigation we may be getting into. This company  
17 is widely known for doing bad things, and then being under  
18 litigation. And our little community of Sonora and  
19 Jamestown are really not economically able to fight a big  
20 company like this, as you may well believe.

21 Thank you so much for your kind attention. I'll  
22 have somebody take them up to you.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 Did Ms. Britt wish to speak? And she'll be  
25 followed by Chuck White.



1 MS. BRITT: I'd like to tell you that we have had  
2 people up -- there the fire department has no way of ever  
3 getting out of there once they would get down to where the  
4 fire would start. There is no way that they could live to  
5 get out of there. It would be worse than any fire we've  
6 ever had.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
8 Ms. Britt.

9 Chuck White, Waste Management.

10 MR. WHITE: Thank you, Madam Chair, members of  
11 the Board. I'm Chuck White with Waste Management.

12 We've been working with the Board staff,  
13 yourselves for a long time on these regulations. These  
14 regulations have been needed for a long time to establish  
15 the permitting framework for these kinds of tire monofill  
16 facilities.

17 From what we can tell, these are the toughest  
18 tire monofill regulations in the nation. They're tough,  
19 but they're workable. We would like to encourage to Board  
20 to adopt these regulations today to establish this  
21 framework for permitting facilities, recognizing that the  
22 permitting process still has the follow.

23 The folks you've just heard from at Copperopolis,  
24 they have legitimate concerns about a specific facility  
25 that we're involved in in trying to develop. We have

1 every intention of working with them during the permitting  
2 process which is just beginning going through the CEQA  
3 process, environmental documents, probably additional  
4 meetings the community staff -- community individuals to  
5 address their concerns.

6           These issues need to be addressed during the  
7 permitting process, and these regulations that are before  
8 you today establish the framework for us to begin to  
9 address these concerns and these issues through the  
10 permitting process with the community. So we urge your  
11 aye vote on these regulations and look forward to working  
12 with your staff and members of the community as we try to  
13 move forward and try to have a safe and sound and secure  
14 facility. Thank you.

15           CHAIRPERSON MOULTON-PATTERSON: Just a moment,  
16 Mr. White. I have -- there's some questions. And I just  
17 wanted to say before I call on Mr. Paparian and Mr.  
18 Washington, if you could keep us apprised. We're very  
19 concerned and want to make sure that you are working with  
20 the community and --

21           MR. WHITE: We understand. Absolutely.

22           CHAIRPERSON MOULTON-PATTERSON: If you would let  
23 us know of those efforts and those community meetings.  
24 It's very important.

25           Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Yeah. I'm not sure if  
2 the question I have is going to be for our staff or  
3 Mr. White.

4 If you could just hang on a second, Mr. White.

5 Once we adopt these regulations and if there's a  
6 siting process utilizing these regulations, would that  
7 siting process be similar to our landfill type siting  
8 processes where we would have limitations on what we could  
9 look at? I'm not sure who from the staff might be able to  
10 answer. Okay. Mr. De Bie. The statute places some  
11 limits on the sorts of things we would look at in a  
12 landfill if landfill permit was coming forward. Would  
13 those apply here?

14 MR. DE BIE: Yes. These regs set up tire  
15 monofills the same as a solid waste facility. So the same  
16 criteria and statute would apply in the Board's decision  
17 making on a permit. What these regs do, which is  
18 different than the landfill, is they add additional  
19 specific requirements to a monofill. They bring the Board  
20 into more of a direct review role in a lot of the permit  
21 application package than we currently defer for a landfill  
22 to the LEA.

23 So it would be more of a concurrent review with  
24 the LEA and the Board staff on certain issues submitted in  
25 that permit package, which is different than the solid

1 waste facility permit process.

2 But, in essence, the same criteria of 44009 would  
3 be the same one. But remember that statute does reference  
4 standards adopted by the Board, and that's what these  
5 would be.

6 BOARD MEMBER PAPARIAN: So most of the decision  
7 making really would be in the terms of really -- would  
8 be made at the local level.

9 MR. DE BIE: Yes.

10 BOARD MEMBER PAPARIAN: In terms of siting the  
11 facility.

12 MR. DE BIE: Relative to siting it would still  
13 reside with the local entity to go through their local  
14 process. And as indicated in testimony here, the CAM  
15 facility its going through a local CEQA process. There's  
16 a siting element decision that needs to be made locally,  
17 and so it would be very similar.

18 BOARD MEMBER PAPARIAN: Is it the county that's  
19 making those decisions?

20 MR. DE BIE: It's the county that's taking up the  
21 CEQA process at this time.

22 BOARD MEMBER PAPARIAN: The reason I bring that  
23 up is especially for the witnesses who just spoke, that  
24 once these regulations go into effect, it's really going  
25 to be the local government, the county that's making the

1 bulk of the decision about whether the facility would go  
2 forward or not. When it comes -- if and when it comes  
3 back to us again, there will be limitations on what we can  
4 look at. If we just don't like the facility for some  
5 reason, we won't able to turn it down just because we  
6 don't like it for some reason. We would have to make some  
7 very specific findings about whether it would violate  
8 state minimum standards or be harmful in some very  
9 specific ways.

10 So, again, if you have concerns about the  
11 facility, raising them at the county level at this point I  
12 think will be the most important venue for you to deal  
13 with.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
15 Mr. Paparian. And it's my understanding that we directed  
16 staff back in 2000 -- June of 2000 to develop these regs.  
17 And they will require that the monofill go through  
18 extensive public review as well as meet state minimum  
19 standards and get a full solid waste permit. So I think  
20 Mr. Paparian is correct and the local agencies should be  
21 where you would go. I -- just a moment, Mr. Miller. I  
22 have three Board members that have requested to speak and  
23 then I'll call on you. I have -- Mr. Washington, did you  
24 change your mind?

25 BOARD MEMBER WASHINGTON: I think you had asked

1 the same question that I asked. I'll ask staff in terms  
2 of the witness mentioning the fire trucks being able to  
3 get to the fire if there's a fire, has anyone seen that  
4 site to -- and have the locals made preparation in case  
5 something happened and a fire truck can't get to those  
6 tires?

7 MR. DE BIE: For the court reporter -- sorry.  
8 Mark Be Die with Permitting and Inspection.

9 Several staff have gone out to the site and  
10 visited the site and we're aware of the general layout of  
11 the site. During the permitting process, the operator  
12 will need to include in their permit application  
13 information relative to all steps that will be proposed to  
14 prevent fire, to fight fire, and to clean up after a fire.  
15 And staff and the Board has looked into the review of that  
16 information. And if it's not found adequate, then that  
17 could be a reason to deny that permit. So these regs do  
18 require a lot of information up front on how fire will  
19 be --

20 BOARD MEMBER WASHINGTON: Are there tires out  
21 there right now that if there was a fire, can a fire truck  
22 get to it right now?

23 MR. DE BIE: It's my understanding that a fire  
24 truck could access the site to address the fire. I think  
25 the testimony was they may find it difficult to --

1 BOARD MEMBER WASHINGTON: Get out.

2 MR. DE BIE: -- get out of the site.

3 The site is required to comply with the tire  
4 storage requirements right now. They do have a tire  
5 storage permit to just store tires, not dispose of tires.  
6 And that has fire prevention requirements in it and talk  
7 about water tanks and those sorts of things.

8 BOARD MEMBER WASHINGTON: For the witness, can  
9 you step back up for a second. The witness -- yeah,  
10 ma'am. Her. I'm sorry. You mentioned it was a part  
11 time community. Is this a retired --

12 MS. HIRSCHAUT: It's a resort.

13 CHAIRPERSON MOULTON-PATTERSON: Please state your  
14 name for the record.

15 MS. HIRSCHAUT: Sorry. Willa Hirschaut.

16 BOARD MEMBER WASHINGTON: Ms. Hirschaut.

17 MS. HIRSCHAUT: And I live full time in Poker  
18 Flat, Copperopolis. Most -- I would say two-thirds of the  
19 people in that area are part time. It's a resort  
20 community, and they drive back and forth from San Jose  
21 primarily with the intention of maybe of some day retiring  
22 in this beautiful area.

23 BOARD MEMBER WASHINGTON: Thank you.

24 MS. HIRSCHAUT: Which is what we did.

25 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

1 CHAIRPERSON MOULTON-PATTERSON: Ms. Peace is  
2 next.

3 BOARD MEMBER PEACE: I have a question probably  
4 for our staff. As this monofill goes through the  
5 permitting process, will they have to get a permit from  
6 the Water Quality Board and the Air Board -- like from the  
7 Air Board especially to -- any of the concerns they have  
8 about the asbestos dust, will all those things be  
9 reviewed?

10 MR. DE BIE: I think the operator could probably  
11 answer that better than I. I think they do have -- I know  
12 they do have air quality monitoring requirements right now  
13 because it is a mine that does have asbestos. And they  
14 have an active program right now that would continue on.  
15 These regs would not remove that requirement. Whether or  
16 not the Regional Board would require a WDR for this  
17 facility, I think the operator could tell you the status  
18 that issue. So maybe I'll defer to Chuck or someone else.

19 CHAIRPERSON MOULTON-PATTERSON: Mr. White.

20 MR. WHITE: I'm not sure I heard the full  
21 question. But in terms of the permitting process, we're  
22 in the process of getting started on getting permits.  
23 We'll be working the local air district. We'll be working  
24 with the county, be working with the Regional Water  
25 Quality Control Board, working with the LEA. It will come



1 back to this Board for concurrence.

2 All of these issues will have to be addressed,  
3 hopefully to the satisfaction of the community, certainly  
4 to the satisfaction of the permitting authorities to  
5 what -- we believe we would move forward with a safe and  
6 secure facility that would absolutely minimize any risk of  
7 fire and environmental concern.

8 But we need to use the permitting process to do  
9 that, and we think these regulations, while they're tough,  
10 they're workable. They provide a good framework for us to  
11 move forward with respect to the LEA and this agency. But  
12 the other permits we also have to get before this thing  
13 can ever take any additional tires. And we're up to the  
14 challenge, and we're ready to move forward, and we'd like  
15 the Board to adopt these regs.

16 CHAIRPERSON MOULTON-PATTERSON: So I hear you  
17 saying you'll be working with the Air Board and the  
18 Regional Water Board?

19 MR. WHITE: Absolutely.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Mr. Jones.

22 BOARD MEMBER JONES: Thanks you, Madam Chair.  
23 Just a couple things. Our friends from Copperopolis have  
24 been to every meeting. Believe it or not, I kind of look  
25 out for the environment too, and I'm a Governor's

1 appointee. Just because I came from the industry -- we  
2 were doing this our whole lives.

3 Just to put into context -- and I appreciate that  
4 you appreciate what we've tried to do by getting these  
5 meetings held locally and do those things -- is the  
6 original set of regs or set of conditions that were there  
7 weren't adequate for this Board to do this two and a half  
8 years ago, three years ago.

9 The work with Dr. Dana Humpherys and others to  
10 figure out what the loading rate needed to be, what the  
11 cover needed to be, those types of things that were based  
12 on information throughout the world of where tire piles  
13 had caught on fire, what were the constants, and what do  
14 we do to minimize the threat of that -- and I'm not going  
15 to say there will never be a threat of that -- but I will  
16 say that these regulations have taken every one of those  
17 things into consideration and have put together a  
18 regulation package that's in a position to minimize those  
19 on a statewide level.

20 The folks from Copperopolis have been the most  
21 active because they have a site that's been predetermined  
22 by the owner of the site that that's what it was going to  
23 be. And we actually stopped that from happening two or  
24 three years ago to make sure it went through this process.

25 So while there has to always be a concern for

1 fire safety, I want to reiterate that these regulations  
2 took the science of tire fires and came up with conditions  
3 to minimize because we do want to look out for citizens  
4 all over.

5           And the other piece very quickly is that we did  
6 insert waste board staff into the local permitting process  
7 as an asset because we didn't want a local LEA that did  
8 not have any experience in tires to be making those kinds  
9 of decisions on placement, those types of things without  
10 the benefits of our Board staff who do have that  
11 experience. And I think that's a critical addition to  
12 these regulations that were geared towards the safety of  
13 the citizens and the safety of these operations.

14           My hopes after reading those and working on those  
15 for a long time is that these are going to be the best  
16 regulations we can come up with to offer the most  
17 stringent set of operating conditions anywhere in the  
18 world for a tire monofill and appropriately, so in that  
19 site so --

20           MS. HIRSCHAUT: Thank you, Mr. Jones. I  
21 appreciate the fact that the regulations are fine for  
22 probably most sites. I don't think they considered  
23 asbestos as being critical. It's probably the only place  
24 in California where we have learned to cover tires with  
25 asbestos tailings.

1           The other thing is I get told over and over the  
2 environmental things will come up at the local level. We  
3 are very small, very economically deprived county.  
4 Calaveras County is not economically -- are you going to  
5 give them the money to do these environmental reports?  
6 Are you going to send the water people out and the air  
7 people out to really check and see if this asbestos is  
8 going to stay on the ground?

9           CHAIRPERSON MOULTON-PATTERSON: Ms. Hirschaut,  
10 thank you for being here. Thank you for your comments.  
11 We will be working closely with the County Board of  
12 Supervisors, and we are very concerned about your  
13 concerns. Thank you very much.

14           MS. HIRSCHAUT: Thank you.

15           CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

16           BOARD MEMBER JONES: Madam Chair, I'll move  
17 adoption of Resolution 2003-290, consideration of the  
18 adoption of a negative declaration, State Clearinghouse  
19 Number 2003032128 for waste tire monofill regulations.

20           BOARD MEMBER MEDINA: Second.

21           CHAIRPERSON MOULTON-PATTERSON: We have a motion  
22 by Mr. Jones, seconded by Mr. Medina to approve Resolution  
23 2003-292.

24           Please call the roll.

25           SECRETARY WADDELL: Jones?

1 BOARD MEMBER JONES: Aye.  
2 SECRETARY WADDELL: Medina?  
3 BOARD MEMBER MEDINA: Aye.  
4 SECRETARY WADDELL: Paparian?  
5 BOARD MEMBER PAPARIAN: Aye.  
6 SECRETARY WADDELL: Peace?  
7 BOARD MEMBER PEACE: Aye.  
8 SECRETARY WADDELL: Washington?  
9 BOARD MEMBER WASHINGTON: Aye.  
10 SECRETARY WADDELL: Moulton-Patterson?  
11 CHAIRPERSON MOULTON-PATTERSON: Aye.  
12 BOARD MEMBER JONES: Madam Chair.  
13 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.  
14 BOARD MEMBER JONES: I'm going to move adoption  
15 of Resolution 2003-292 -- I think the last one was 290.  
16 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.  
17 BOARD MEMBER JONES: The last one was 290.  
18 CHAIRPERSON MOULTON-PATTERSON: I see that now.  
19 Okay.  
20 BOARD MEMBER JONES: I'm going move adoption of  
21 Resolution 2003-292, consideration of the adoption of  
22 regulations for waste tire monofill regulation.  
23 BOARD MEMBER MEDINA: Second.  
24 CHAIRPERSON MOULTON-PATTERSON: Okay. Motion by  
25 Mr. Jones, seconded by Mr. Medina. Please without

1 objection we'll record the previous roll.

2 That brings us to Special Waste. And I would now  
3 like to call on the Chair of that Committee, Mr. Medina,  
4 for his report.

5 BOARD MEMBER MEDINA: Thank you, Madam Chair.

6 I'll be brief in my report as we're approaching the  
7 lunch hour. First, in regard to special waste, we took  
8 the following actions. Items 9 through 12 enjoyed fiscal  
9 consensus. Item 9 dealt with the selection of a  
10 contractor for a devulcanization study. Item 10 dealt  
11 with a contract for the engineer and environmental  
12 services contract. Item 11 regarding the awarding of a  
13 contract for the technology evaluation and economic  
14 analysis of waste tire pyrolysis, gasification, and  
15 liquefaction. And Item 12 for grant award being proposed  
16 for energy recovery.

17 Item 13 involves grant awards for local  
18 government tire clean up. This item has been moved for  
19 consideration by the full Board.

20 On Item 14 we heard a presentation by Dr. James  
21 Fletcher from Cal State Chico regarding a consumer  
22 education tire survey. The survey results will be  
23 presented to this board in June.

24 Item 15 is another item that has been moved to  
25 the full Board for consideration. That's a relocation

1 item, reallocation item.

2 And Item 16 will also be heard by the full Board.

3 In regard to Item 16, this has to do with the revised  
4 five-year plan for the waste tire recycling management  
5 program and in regard to the plan.

6 I want to thank the current Committee Board  
7 Members for the time and attention they put into getting  
8 this plan ready and that's Board Member Steve Jones, Board  
9 Member Carl Washington, Board Member Mike Paparian. I  
10 also want to thank the previous Committee members who  
11 invested a lot of time into getting the five-year tire  
12 plan together. I want to recognize and thank also the  
13 stakeholders who invested heavily of their time and  
14 effort. I want to thank our staff, Jim Lee, and Martha  
15 Gildart for all your time and efforts in regard to this  
16 plan. I also want to thank my own staff persons for their  
17 support, Jennine Harris and also Amalia Fernandez who came  
18 from the tire program.

19 In regard to the revised five-year tire plan, let  
20 me say that it meets -- what comes before you meets the  
21 requirements of SB 876. It fulfills a lot of the  
22 strategic goals of the Strategic Plan. It's good for the  
23 environment. We spent a lot of time in regard to revising  
24 the budget and revising the text. The revised budget and  
25 revised text were approved by a three-to-one vote. We

1 took into consideration a lot of suggested changes in  
2 regard to the text. We devoted over six hours to hearing  
3 these revised changes and adopting a lot of them into the  
4 revised text. So again, a lot of work has gone into this  
5 revised five-year plan. And then it will be up to the  
6 Board for adoption.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
8 Mr. Medina. And I certainly appreciate, as I know the  
9 full Board does, the work that has been put in by your  
10 Committee and your leadership as Chair.

11 BOARD MEMBER MEDINA: In concluding my report I  
12 have two --

13 CHAIRPERSON MOULTON-PATTERSON: You hadn't  
14 concluded. I'm sorry. Go right ahead.

15 BOARD MEMBER MEDINA: From the Special Waste  
16 Division, we heard Item 29 which is intended to clarify  
17 enforcement for certain clean up activities, namely cost  
18 recovery.

19 The Market Development Division we heard Item 17  
20 which involves a loan request for the Plastic Energy  
21 Hanford, LLC. And this item will be heard by the entire  
22 Board as there are questions on the CEQA process.

23 Item 18 involves an application to expand the  
24 greater San Joaquin Valley RMDZ to include Porterville.

25 And Item 19 dealt with rigid plastic packaging



1 container recycling rates which are to be used for  
2 compliance year 2003. And this item also went on the  
3 consent calendar.

4 That does conclude my report.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
6 Mr. Medina. Sorry for cutting you off there. I didn't  
7 mean to.

8 I do want to sincerely thank you for all of your  
9 work on the tire plan.

10 Before I call on Mr. Lee, I did want to say that  
11 it's my intent to -- since they had gotten consensus of  
12 the Board to approve 9, 10 -- or discuss 9, 10, 11, and  
13 probably 12 before lunch. And then we're going to take a  
14 lunch break. As you know, we have a 1:30 closed session.  
15 We have a 3:00 Sunshine Canyon and our video  
16 teleconferencing. So what I'm saying, we probably will  
17 not get be getting to the reallocation and the tire plan  
18 until tomorrow morning.

19 And before I turn it over to Mr. Lee, I did want  
20 to sincerely thank Ms. Gildart for all of her work at the  
21 Board. I understand she's going to be moving on to future  
22 challenges. And we wish you the very best of luck,  
23 Martha. And thank you very much for your expertise. You  
24 will be greatly missed.

25 Mr. Lee.

1           DEPUTY DIRECTOR LEE: Thank you, Madam Chair,  
2 members of the board. My name is Jim Lee with the Special  
3 Waste Division.

4           The first item for the Board's consideration is  
5 Item 9, consideration of contractor for the technology  
6 evaluation of waste tire devulcanization contract, tire  
7 recycling management fund, Fiscal Year 2002/2003. Staff  
8 proposes that Cal Recovery, Inc., be approved for the  
9 contractor for this contract in the amount of \$99,524.

10          This item was heard at the Special Waste and  
11 Market Development Committee. Staff noted at that meeting  
12 that Mr. Tom Faust of Redwood Rubber had filed a protest  
13 with the Department of General Services protesting the  
14 proposed award to Cal Recovery. Mr. Faust contended that  
15 his company should have been successful contractor but was  
16 not due to bias.

17          DGS protests can take several weeks to resolve.  
18 Given that the funds for this contract must be encumbered  
19 before the end of the fiscal year, program and legal staff  
20 recommend that the Board take action on this matter today,  
21 in addition, that the Board approve the proposed  
22 contractor. The approval should be made conditionable on  
23 resolution of the protest by DGS in favor of the Board.

24          With that, staff recommends that the Board  
25 approve Resolution 2003-278 and that the approval be

1 conditioned on resolution of the protest by DGS.

2 CHAIRPERSON MOULTON-PATTERSON: Before I call on  
3 Mr. Medina, Ms. Peace has a question on Number 9.

4 BOARD MEMBER PEACE: Relating to Mr. Faust, we  
5 had given him a grant to Redwood Rubber to produce  
6 devulcanized rubber; correct? Wasn't there already some  
7 sort of devulcanization study done before we gave him the  
8 money to do it?

9 DEPUTY DIRECTOR LEE: Ms. Peace, let me call on  
10 Martha Gildart to come respond for the staff.

11 SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
12 Martha Gildart with the Special Waste Division. Yes,  
13 actually this Board has given Mr. Faust and Redwood Rubber  
14 two different grants in the past. One was for the  
15 original development of a product. In his attempt to  
16 produce this product from recycled tire rubber, he  
17 discovered they couldn't get the quality of crumb he was  
18 interested in. So then he researched the production of  
19 crumb and got involved in devulcanization. He then came  
20 back to the Board for a later grant wanting to produce  
21 devulcanized tire rubber using ultrasonic vibrations to  
22 break the carbon sulfur bonds. That project was never  
23 successfully completed. He was never able to get the  
24 equipment in that would actually do the ultrasonic part of  
25 the processing.

1           At that point we had terminated the grant. He  
2 requested an audit and the department finance auditor  
3 found that the payments we made to date were not  
4 substantiated and recommended we had them repaid to the  
5 Board. So we're in that process of appeal and hearings  
6 and findings with Redwood Rubber. He has researched one  
7 form of devulcanized technology, but that does not  
8 particularly give him expertise in all areas. I believe  
9 the review panel, in looking at the proposal submitted in  
10 response to the request for proposal, scored him quite low  
11 due to that narrowness of his experience and expertise.

12           Did that help?

13           BOARD MEMBER PEACE: I want to make sure we're  
14 not -- if we've already done studies on devulcanization  
15 we're not putting more money into something we've already  
16 done.

17           I had a letter here also some -- saying that  
18 Dr. David Benko from GoodYear has already done some  
19 research into devulcanization, that he'd be willing to  
20 give us a report on that. Is that taken into  
21 consideration at all when we give out more money for  
22 devulcanization technology study?

23           SUPERVISING WASTE MANAGEMENT ENGINEER GILDART:  
24 To some extent. The GoodYear study was not completed at  
25 the time the Board allocated this money for this scope of

1 work. However, we have, you know, heard preliminary  
2 results from that study. I believe it was a very  
3 comprehensive one and should go a long ways to addressing  
4 the issues asked to be studied in this particular scope.

5           Anytime you're looking into new technologies,  
6 there's going to be ongoing work overlapping, perhaps, the  
7 proposals that we've put together. There is something to  
8 be said. The GoodYear work may be the ultimate study.  
9 However, our process had been under way. We had a  
10 legitimate response to our request for proposals, and  
11 staff has recommended one of those responders be awarded  
12 the contract. It is the Board's decision whether to award  
13 or not.

14           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
15 Ms. Gildart.

16           Mr. Paparian, you had a comment on this one.

17           BOARD MEMBER PAPARIAN: Just a quick question  
18 just so I understand what I'm voting on. Are we adding  
19 another resolved clause to clarify that it's contingent on  
20 the outcome of the appeal?

21           DEPUTY DIRECTOR LEE: That is the proposal. The  
22 resolution as it reads now does not include the  
23 determination that basically the Committee decided upon  
24 which was to include that condition language. So I'm  
25 reiterating it for the consideration of the full Board.

1 BOARD MEMBER PAPARIAN: The version we vote on  
2 will have a new resolved clause that makes it contingent  
3 on that outcome?

4 DEPUTY DIRECTOR LEE: Yeah.

5 BOARD MEMBER PAPARIAN: Thanks.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you for  
7 bringing that up, Mr. Paparian.

8 Mr. Medina.

9 BOARD MEMBER MEDINA: Thank you, Madam Chair.  
10 I'd like to move Resolution 2003-278, revised conditional  
11 on the protest, consideration of the contractor for the  
12 technology evaluation of waste tire devulcanization  
13 contract tire recycling management fund, Fiscal Year  
14 2002/2003 approving Cal Recovery, Inc., as the contractor  
15 in the amount of \$99,254.

16 BOARD MEMBER JONES: And that's if it gets  
17 through the --

18 BOARD MEMBER MEDINA: That's conditional on the  
19 outcome of the protest.

20 BOARD MEMBER JONES: I'll second.

21 CHAIRPERSON MOULTON-PATTERSON: Motion by  
22 Mr. Medina, seconded by Mr. Jones to approve Resolution  
23 2003-278 with the added clause.

24 Please call the roll.

25 SECRETARY WADDELL: Jones?

1 BOARD MEMBER JONES: Aye.

2 SECRETARY WADDELL: Medina?

3 BOARD MEMBER MEDINA: Aye.

4 SECRETARY WADDELL: Paparian?

5 BOARD MEMBER PAPARIAN: Aye.

6 SECRETARY WADDELL: Peace?

7 BOARD MEMBER PEACE: Aye.

8 SECRETARY WADDELL: Washington?

9 BOARD MEMBER WASHINGTON: Aye.

10 SECRETARY WADDELL: Moulton-Patterson?

11 CHAIRPERSON MOULTON-PATTERSON: Aye.

12 Mr. Lee, I had intended to do 10, 11 and 12. Are  
13 they very brief because I do have a 12:00 meeting, and I  
14 know other people have lunch obligations.

15 DEPUTY DIRECTOR LEE: They are brief Madam Chair,  
16 but as it is 12:00 --

17 CHAIRPERSON MOULTON-PATTERSON: Not that brief.  
18 Okay. Well, since we have to go back to Special Waste in  
19 the morning, anyway unless there is someone here that  
20 cannot be back, I'd propose we take 10, 11, and 12  
21 tomorrow morning. Okay.

22 Thank you. Then we will adjourn until our 1:30  
23 closed session, and our public session will be back at  
24 3:00 on Sunshine Canyon.

25

## 1 AFTERNOON SESSION

2 --oOo--

3 BOARD CHAIR MOULTON-PATTERSON: Welcome back to  
4 the May meeting of the California Integrated Waste  
5 Management Board.

6 Ex-partes, members? Mr. Jones?

7 BOARD MEMBER JONES: I am -- Chuck Helgut on  
8 Sunshine.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you.

10 Ms. Peace?

11 BOARD MEMBER PEACE: I'm up to date.

12 BOARD CHAIR MOULTON-PATTERSON: I'm up to date.

13 Mr. Medina?

14 BOARD MEMBER MEDINA: Up to date.

15 BOARD CHAIR MOULTON-PATTERSON: Mr. Paparian?

16 BOARD MEMBER PEACE: Yeah, I spoke with Denise  
17 Delmatier of NorCal regarding E-waste.

18 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you.

19 Mr. Washington?

20 BOARD MEMBER WASHINGTON: I'm up to date.

21 BOARD CHAIR MOULTON-PATTERSON: Okay. And as you  
22 know, we had time certain item seven, and that is the  
23 consideration of a revised full solid waste facilities  
24 permit for the Sunshine Canyon City Landfill Unit 2, Los  
25 Angeles County.



1           And we have had Frank Simpson, our Deputy Director  
2 of Public Affairs, down in the Los Angeles area conducting  
3 our video teleconferencing.

4           And I want to say an extra special thanks to Mr.  
5 Simpson, he's put a lot of work into this, as his staff  
6 has, and we appreciate it.

7           How will I know that Frank is hearing me?

8           MR. PECK: We're connected.

9           MR. SIMPSON: Madam chair, Frank Simpson, we're  
10 ready to go when you are.

11          BOARD CHAIR MOULTON-PATTERSON: Great. Thank you,  
12 Frank.

13          At this time then I will turn it over to staff for  
14 our report, and then we will be taking public comments.

15          I understand, Frank, you have quite a few people  
16 that would like to speak with us?

17          MR. SIMPSON: Yes, ma'am, we have about 36 at the  
18 moment, and we're expecting a few more as time goes on.

19          BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you.  
20 Okay, Mr. Levenson.

21          MR. LEVENSON: Madam Chair, Board members, good  
22 afternoon. As you said, Madam Chair, this is item 7,  
23 consideration of a revised full solid waste facilities  
24 permit disposal facility for the Sunshine Canyon City  
25 Landfill Unit 2, Los Angeles County.

1 I want to point out that in response to some of  
2 the issues that were raised at the committee meeting last  
3 week, staff did prepare an attachment, attachment number  
4 six, which was distributed and made available to the  
5 public late last week. So that is part of this item.

6 At this time I'm going to turn it over to Bill  
7 Marciniak who will make a presentation on the item before  
8 you.

9 BOARD CHAIR MOULTON-PATTERSON: Thank you.

10 MR. MARCINIAK: Good afternoon, Madam Chair and  
11 Board members.

12 BOARD CHAIR MOULTON-PATTERSON: Good afternoon.

13 MR. MARCINIAK: Sunshine Canyon City Landfill Unit  
14 2, is located in the City of Los Angeles at the  
15 intersection of Golden State freeway and Antelope Valley  
16 freeway, and it is owned and operated by Browning-Ferris  
17 Industries in California.

18 The proposed permit will allow for phase one of  
19 the city landfill Unit 2, and will have a gross air space  
20 capacity of 13,441,300 cubic yards, which will be placed  
21 upon 84 acres within the 494 acre permitted boundary.

22 It will have a maximum elevation of 1,830 feet,  
23 and an estimated site life of approximately five years.

24 Acceptance of a maximum of 5,500 tons per day or  
25 30,000 tons per week will be allowed during the hours of

1 6:00 a.m. to 6:00 p.m. Monday through Friday, and 7:00  
2 a.m. to 2:00 p.m. on Saturday.

3 The LEA has certified that the application package  
4 is complete and correct, and that the Report of Facility  
5 Information meets the requirements of the California Code  
6 of Regulations.

7 The LEA has determined that the permit revision is  
8 supported by the existing California Environmental Quality  
9 Act analysis.

10 The Board staff have also reviewed the proposed  
11 permit and supporting documentation and found them to be  
12 acceptable.

13 Since Sunshine Canyon City Landfill Unit 1 has not  
14 been in operation since 1991, and Unit 2 has not yet been  
15 permitted, staff did not inspect the facility.

16 However, staff believe that the operations as  
17 described in the JTD will allow the facility operations to  
18 meet the state minimum standards.

19 In conclusion, staff recommend that the Board  
20 adopt solid waste facility permit decision number 2003-289  
21 concurring with the issuance of solid waste facility  
22 permit 19-AR-0002.

23 Dave Edwards, project director of Browning-Ferris  
24 Industries, as well as myself are available to answer any  
25 questions you may have.

1 Dave Thompson and Wayne Sutta of the LEA are also  
2 available on video teleconferencing.

3 MR. de BIE: If I may just add that --

4 BOARD CHAIR MOULTON-PATTERSON: Mr. de Bie.

5 MR. de BIE: I think I got the bogus one. If I  
6 may just add that relative to staff's inspection of the  
7 facility or lack thereof, we did look at the LEA's  
8 inspection reports, and we did pay special attention to  
9 the gas monitoring. And so we do have good data from the  
10 LEA about the general condition of the site and the gas  
11 situation, and did not see and do not see any issues  
12 associated with compliance with standards at this time.

13 BOARD CHAIR MOULTON-PATTERSON: And it's my  
14 understanding that the LEA's down in Los Angeles and can  
15 speak to us from there?

16 MR. de BIE: Yes.

17 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you.

18 Okay. Questions Board members?

19 Ms. Peace.

20 BOARD MEMBER PEACE: I have a question. I was  
21 just noticing in the permit here it says in terms of the  
22 permitted traffic that it says it's, it, there's no  
23 limit. That's the first time I can say I've seen it that  
24 there hasn't been a limit, and why is that?

25 MR. MARCINIAK: It's not limited in the permit.

1 It's based on the tonnage, it will be only be a certain  
2 amount of vehicles that can deposit that tonnage, so it's  
3 indirectly based upon the tonnage.

4 MR. de BIE: We have had permits that are silent  
5 on traffic flow into the site, so this is not the first  
6 case. We have had permits in the recent past that are  
7 silent on traffic counts.

8 But as Bill indicates, there is a limit on total  
9 tonnage which does calculate into a limit on vehicles.

10 The land use approval does address traffic flow as  
11 well as limits on traffic.

12 BOARD CHAIR MOULTON-PATTERSON: Okay. Any other  
13 questions before we begin to take our public comments?

14 BOARD MEMBER PEACE: Oh, one more question a  
15 person opposed to the permit addressed. And they said,  
16 one of their questions was that in the EIR the C&D  
17 operation that's going to be put on the Sunshine facility  
18 was never addressed in the EIR. Is that correct or is  
19 that misinformation?

20 MR. de BIE: I'm going to try this one, this one  
21 seems to work better.

22 That was one of the issues that came up at  
23 committee. And we did look back at that, and in the  
24 summary of issues in response we indicate that the C&D,  
25 the proposed C&D operation has been removed from the

1 project and it's not part of this permit.

2 BOARD MEMBER PEACE: All right. Thank you.

3 BOARD CHAIR MOULTON-PATTERSON: Okay. Thank you.

4 At this time I'm going to call on public  
5 comments. We have two public comments right here in  
6 Sacramento. And I understand that I'll be getting a list  
7 of -- or is Mr. Simpson going to call them?

8 (Thereupon there was discussion off the  
9 record.)

10 BOARD CHAIR MOULTON-PATTERSON: I will go ahead  
11 and hear from Mr. David Edwards of BFI, followed by Joel  
12 Simonion of American Waste Industries. And then we'll go  
13 into Southern California.

14 Good afternoon, Mr. Edwards.

15 MR. EDWARDS: Thank you. My name is Dave Edwards,  
16 I'm the project director for Sunshine Canyon Landfill.

17 I'd like to thank the Board for the opportunity to  
18 come today and present the merits of our project, which is  
19 City Landfill Extension, phase one of Unit 2.

20 And just a real brief presentation, if I could?

21 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
22 Edwards, I appreciate that. Because I didn't say,  
23 obviously you're part of the presentation, but I think  
24 we're going to have, because of the great deal of speakers  
25 we're going to have about a three minute limit. But

1 obviously we might let you go a little longer.

2 MR. EDWARDS: A little bit longer, okay. Fine.

3 Thank you.

4 Sunshine Canyon Landfill has been meeting the  
5 disposal needs of the city and County of Los Angeles for  
6 over 45 years, having begun operations in 1958.

7 The project is surrounded by open space and  
8 unincorporated county to the northeast and west, the  
9 communities of Granada Hills and Sylmar to the south and  
10 east, and also industrial zoned areas to the south and  
11 east.

12 In 1966 the City of L.A. granted a zone variance  
13 for the expanded operation on the city side of Sunshine  
14 Canyon.

15 In 1978 BFI purchased Sunshine Canyon.

16 1991, the city zone variance, which was granted in  
17 1966, expired, and city operations ceased.

18 In 1993 the County Board of Supervisors approved a  
19 conditional use permit allowing landfilling on the county  
20 side of Sunshine Canyon.

21 In 1996 landfilling operations began on the county  
22 side.

23 In 1999 the City of L.A. City Council granted the  
24 necessary entitlements for the resumption of landfilling  
25 on the city side.

1           This included the approval of an SEIR on December  
2 8th, 1999 followed by the mayor's approval the next day.  
3 The SEIR also included CEQA findings, mitigation measures,  
4 and statements of overriding consideration.

5           It was always envisioned that Sunshine Canyon  
6 would be developed as a city county landfill. The first  
7 step of that was the approval of the county side of the  
8 site. The second step is before you today, which is phase  
9 one of Unit 2.

10           Shown here shaded in red is phase one, encompassed  
11 entirely by, the 194 acres of Unit 2.

12           As Bill mentioned, at full operations the  
13 anticipated site life is five years.

14           BFI has always been a strong supporter of  
15 recycling and helping communities meet their recycling  
16 goals. As such we've implemented recycling programs for  
17 green and wood waste, C&D operations recycling,  
18 residential recyclables as well as E-waste.

19           Sunshine Canyon Landfill is needed to meet the  
20 current as well as the future disposal needs of the County  
21 of Los Angeles. Even now approximately 5,000 tons per day  
22 of L.A. County trash leaves the county for other counties.

23           Even today Sunshine Canyon and Puente Hills reach  
24 daily capacity and closes before noon each and every day.  
25 6,000 tons per day of city waste generated by residents



1 and businesses goes into the county side of Sunshine  
2 Canyon displacing county generated waste.

3 Sunshine Canyon is the only landfill in California  
4 that has a full-time inspector who monitors the daily  
5 operations of the site. As a result, Sunshine Canyon  
6 receives over 3,500 hours of inspection each year.

7 We work hand in hand with the LEA to make sure  
8 that all the provisions of Title 27 are met.

9 As with all its sites, BFI employee's stringent  
10 environmental safeguards to help us meet and exceed  
11 federal, state, and local standards for solid waste  
12 disposal, wastewater quality, air quality, and seismic.  
13 As evidenced, your staff has recommended the approval of  
14 this application.

15 Additional mitigations and benefits include an  
16 independent monitor to ensure compliance with our permit  
17 conditions; an independent air quality monitor; oak tree  
18 mitigations; and as shown here on the slide, wetlands  
19 mitigation as we did at Arroyo Seco associated with our  
20 county approvals.

21 We believe that Sunshine Canyon Landfill is a  
22 better designed and operated facility because of the  
23 extensive community input that we have had. To date over  
24 60 public hearings and meetings have been conducted since  
25 1988.

1           A result of the community input has been 34 new or  
2 modified city conditions and mitigation measures being  
3 implemented. A good example of community input has been  
4 on this application.

5           We placed two permit applications and supporting  
6 documentations into the local libraries. We hand  
7 delivered a package to the local community. And the local  
8 community also had input which resulted in two revisions  
9 of the draft solid waste facilities permit.

10          In 1997 an advisory committee was formed to  
11 oversee the county operations. The committee members were  
12 appointed by L.A. County Board of Supervisors, and they  
13 have conducted 46 meetings to date, discussing operational  
14 and compliance issues, community issues landfilling  
15 permitting plans, and progress.

16          A new separate committee will be formed for the  
17 landfill, for the city landfill.

18          To date over 200 tours and educational programs  
19 have been conducted and supported by collateral bilingual  
20 materials, including mailers, website, articles, and  
21 advertorials.

22          As part of the county and city entitlement  
23 process, we have donated close to a thousand acres of open  
24 space, including 426 acres at East Canyon, 490 acres in  
25 Upper Bee Canyon, and 80 acres of hiking trails.

1           Additionally, BFI provides financial benefits to  
2 the City of Los Angeles including a half a million dollars  
3 into the general fund, a million dollar community  
4 amenities fund, and also dollars going directly to  
5 community projects as well as environmental programs. We  
6 also have a twelve percent franchise fee that was imposed  
7 by the City of Los Angeles.

8           A full operations this represents \$7 million, 3.2  
9 million of that going to a solid waste fund, and 3.8 going  
10 into a community amenities trust fund.

11           BFI has been a strong supporter of local community  
12 including business groups, schools, and charitable  
13 organizations.

14           As shown here in a collage of support letters, we  
15 have broad-based community support, as well as support  
16 from business, community, and environmental groups, and  
17 private citizens.

18           And in conclusion to my brief presentation, phase  
19 one of Unit 2 is the second step in the development of the  
20 combined city county landfill.

21           The project is critical to meeting the waste  
22 disposal needs of the city and County of Los Angeles.  
23 There has been broad-based business and community support,  
24 and BFI has solicited extensive community input.

25           The project is supported by two certified EIRs

1 involving years of extensive public review and comment.

2 Sunshine Canyon has provided the community with  
3 nearly 1,000 acres of open space, and millions of dollars  
4 to the city's general fund and to the local community.

5 Finally, the project reflects very careful  
6 planning, will have a full-time inspector to monitor daily  
7 operations, meets the highest regulatory standards for  
8 landfill operations, and incorporates safeguards to  
9 protect the surrounding community, BFI employees, and the  
10 environment.

11 Thank you very much.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
13 Edwards.

14 Any questions of Mr. Edwards?

15 I see none, so thank you for your presentation.

16 At this time we're going to test our modern  
17 technology and we'll go down to our first speaker in  
18 Granada Hills.

19 And I would ask the speakers, both up here and in  
20 Granada Hills to try and limit your speaking points to  
21 three minutes. We have quite a few.

22 So Wayde Hunter, you're number one. Good  
23 afternoon.

24 (Following speakers via teleconferencing.)

25 MR. HUNTER: Good afternoon. My name is Wayde

1 Hunter, I'm the president of the North Valley Coalition.  
2 I would like to ask some leeway as BFI has been given  
3 ample opportunity to comment through the staff, and on a  
4 number of other occasions, including the Permitting and  
5 Enforcement.

6 Again, thank you for the opportunity to speak to  
7 you here today. I was able to come to Sacramento on the  
8 5th of this month and address the Permitting and  
9 Enforcement Committee, and to read into the record a  
10 number of comments on behalf of the NVC.

11 During that hearing and again today, while making  
12 BFI's presentation, Mr. Dave Edwards left your committee  
13 with the idea that they should approve the solid waste  
14 facilities permit for the city because a 5,000 ton per day  
15 landfill shortage existed in the County of Los Angeles.

16 This is not correct. I spoke with the county  
17 yesterday, specifically Mr. Carlos Ruiz, who is now  
18 reporting to Mr. Mike Mohajer's successor, and he informed  
19 me that, if anything, the county is pretty close to  
20 breaking even.

21 And that the number presented by BFI is  
22 representative of a worst case scenario, possibly based on  
23 a September, 2001 annual report.

24 Among the assumptions in that report was that the  
25 Bradley Landfill would close. However, your recent

1 approval of Bradley negates that concern and changes the  
2 analysis.

3 Also, that report did not take into account the  
4 hundreds of millions of tons of space provided by the  
5 county owned and now fully permitted Mesquite Landfill,  
6 because only the landfills inside L.A. County were  
7 considered for the report.

8 Further, that Eagle Mountain's hundreds of  
9 millions of tons of potential space were also not  
10 accounted for the same reason, and also because there is a  
11 pending lawsuit.

12 In short, BFI misrepresented the current facts to  
13 the P&E Committee and to you, once again hoping to  
14 stampede a governmental agency into approving, as they  
15 have done in the past, with dire predictions of shortages,  
16 such as what they did with the 7,500 tons per day that  
17 they said would be piling up on the streets of Los Angeles  
18 when the city landfill closed in 1991.

19 Don't them let pull the wool over your eyes.  
20 Listen to the good citizens here today as they tell you  
21 what a bad neighbor BFI has been in the past, the impacts  
22 it has had on their health, and their property values.

23 Don't risk the future of L.A.'s water for the  
24 almighty corporate dollar. Deny the permit or, at the  
25 very least, return the application to the LEA.

1 Thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you. Next  
3 speaker is Mary Ann Kienholz.

4 MS. KIENHOLZ: Yes, I'm Mary Ann Kienholz, and I  
5 live in Granada Hills. I've lived there for 35 years. I  
6 live between the landfill and Van Gogh

7 Elementary School.

8 And I would like to tell you they have been very  
9 bad neighbors. When the city site was open we had trash  
10 blowing. It just, this permit really should be denied.  
11 There's been health problems which you definitely will  
12 hear of more today.

13 And as long as landfills are so profitable, the  
14 landfill owners will always be fighting for trash and  
15 subverting recycling.

16 When the county approved the current project, it  
17 was under a finding of overriding considerations, based on  
18 a trash crisis. We sat through the hearings at the county  
19 planning commission, held on November 2nd, 1998, where Mr.  
20 Michaels of the County Department of Public Works  
21 testified that there would be trash in the streets by 1992  
22 if the commission did not approve the landfill.

23 Mr. Chris Funk, BFI's attorney then and now,  
24 testified, and I quote,

25 "If Sunshine were not expanded into the county,

1 and if we terminate our activities in September of 1991,  
2 there will be a shortfall because of some growth and  
3 demand, as well as a loss of capacity of approximately  
4 9,000 tons.

5 That is two years away."

6 There was plainly no crisis in 1991 or 1992 caused  
7 by the closure of Sunshine Canyon in the city. The county  
8 operation did not begin until August of 1996.

9 The county was lied to. Although BFI is now again  
10 proclaiming a trash crisis, they have never reached their  
11 daily tonnage limit in the county, and approximately  
12 one-half of the permitted landfill capacity is still  
13 available. They are out recruiting more contracts while  
14 they complain that they're turning customers away.

15 You should be in no hurry to approve this permit.  
16 There is obviously no crisis.

17 Thank you for letting us speak.

18 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
19 Jones, Board Member Jones would like to speak.

20 BOARD MEMBER JONES: Thanks, Madam Chair. When  
21 the last speaker talked about BFI lying to the committee  
22 about tonnage, I don't remember hearing him say it, but I  
23 will take responsibility. I said to one of the speakers  
24 who had talked about, brought their issues up and was  
25 actually later called by a reporter, Carrie Cavanaugh from



1 the L.A. Times to explain why I had said that.

2 And I said it because of ongoing information of  
3 how garbage -- of how waste is traveling in Southern  
4 California. And my comment was that there was  
5 effectively, you know, four or 5,000 ton a day shortfall  
6 if they didn't rely on out of county waste.

7 So I just, I was hoping to at least take the  
8 burden for those comments because I don't know if they  
9 said 'em, but I know I said 'em.

10 And you know, Bradley is permitted for 10,000 tons  
11 a day but it takes in three. That's 7,000 tons of  
12 capacity, but it's not real capacity because it can't be  
13 used. So that's where my issues were. I just wanted to  
14 set the record straight that I had actually brought the  
15 issue, I think I had brought it up. I don't know if they  
16 did, I know I did.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Jones.

19 Next speaker is Becky Bendiksun, resident,  
20 followed by Sal Sciortino.

21 MS. KINZLE: I'm Ann Kinzle and I'm Executive  
22 Director of the Reseda Chamber of Commerce. And thank you  
23 for having this hearing this way, we really appreciate it.

24 On behalf of the Reseda Chamber of Commerce, I  
25 would like to request our support for the expansion of

1 Sunshine Canyon Landfill operated by Browning-Ferris, BFI.

2           We believe this project represents the most  
3 effective and appropriate way to handle all of our  
4 region's trash in a safe and environmentally sound manner.

5           Sunshine Canyon Landfill is important to be  
6 continued -- to the continued quality of life for the San  
7 Fernando Valley and the residents who live and work in  
8 this area. It is a model for the responsible disposal of  
9 solid waste, and has implemented state-of-the-art  
10 pollution prevention and safety measures.

11           While many alternatives have been discussed  
12 regarding trash disposal, Sunshine Canyon Landfill still  
13 represents the safest, most efficient, and most cost  
14 effective means of handling the disposal needs of the Los  
15 Angeles and the San Fernando Valley businesses and  
16 residents.

17           The expansion is merely a clean, safe, and logical  
18 continuation of an existing land use in a place where it  
19 is needed, and it is a project that helps the valley, the  
20 city, and the county --

21           In closing, we ask that you support the proposed  
22 expansion of Sunshine Canyon Landfill.

23           Thank you.

24           BOARD CHAIR MOULTON-PATTERSON: Thank you. And  
25 that was Ann Kinzle from the Reseda Chamber of Commerce.

1 Sorry for the wrong name.

2 MS. KINZLE: That's quite all right.

3 BOARD CHAIR MOULTON-PATTERSON: Thank you. Okay.

4 And perhaps you can tell me the next speaker. I'm sure I  
5 have a speaker slip for you, but I'm not sure they're in  
6 order.

7 So would you state your name for the record,  
8 please?

9 MS. BENDIKSUN: Yes, my name is Becky Bendiksun  
10 and I live in the community of Granada Hills, and I thank  
11 you for letting us testify before you today.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you.

13 MS. BENDIKSUN: As you hear the testimony today of  
14 local residents on the matter of issuing a permit to BFI  
15 to open the Los Angeles city side of Sunshine Canyon  
16 Landfill, I Implore you to listen very carefully to the  
17 hundreds of years of firsthand experience and expertise on  
18 the matter we bring to you. I say hundreds of years  
19 because we have many persons who have lived in the  
20 community for over thirty years.

21 My husband and I have lived approximately two  
22 miles from the landfill for twelve and a half years. Long  
23 enough to tell you that it is not the location for any  
24 landfill.

25 We have lived in the community of Granada Hills

1 during the last two major earthquakes, February, '71 and  
2 January, '94. We've had enough personal experiences from  
3 living in such close proximity to know that it is a major  
4 mistake to continue the operation.

5           Some examples include the many violations for  
6 which BFI has been cited since 1999, just on the county  
7 portion over 95 and still counting. How many other  
8 businesses would be allowed to jeopardize the public's  
9 health in such a detrimental fashion and still be allowed  
10 to continue operating? And further yet, they will be  
11 rewarded with the opportunity to duplicate such behavior  
12 in a new location even closer to men, women, and children.

13           We have a unique situation for the siting of the  
14 landfill. The winds blow frequently at a very high volume  
15 causing debris to be carried for many miles. On those  
16 occasions where there's a fire in the Santa Clarita  
17 Valley, one that could be centered several miles north of  
18 the landfill, the ash from the fire is deposited on our  
19 cars, sidewalks, and front steps.

20           The unhealthy air which we have to breathe is also  
21 very evident. One can only imagine what pollutants are  
22 being deposited into our lungs from the landfill.

23           Where else in the State of California do you allow  
24 a school to be built within such close proximity to a  
25 major landfill as when the Van Gogh Elementary School was

1 rebuilt after the 1994 earthquake?

2           On October 29th, 2001, James Badukas (sic) of BFI  
3 told the Grenada Hills North Valley Council that test  
4 monitoring equipment was being installed at Van Gogh  
5 School, and the data would be downloaded biweekly for  
6 inclusion into a database.

7           To date we have not received the results of such  
8 monitoring, though we have requested it.

9           Where else in the state do you have a water  
10 supply, the city's water supply flowing down the cascades,  
11 and the MWB's infiltration site, and the open Los Angeles  
12 reservoir providing seventeen million persons with life  
13 sustaining water next to a polluting landfill?

14           Clean water is a very precious commodity to the  
15 citizens of California. Where else do you have a buffer  
16 zone between the landfill and residents that contains over  
17 twenty oil wells?

18           Where else is a landfill with leaks invited to  
19 continue to pollute the environment? With two major  
20 earthquakes that occurred in the local area in the last 32  
21 years, we know it's a matter of when, not if, one will  
22 occur causing more leaks to the landfill, depositing  
23 radioactive waste near to us is also a concern.

24           The City of Los Angeles has recently been  
25 designated for the fourth consecutive year by the American

1 Lung Association, it has been rated F for its poor air  
2 quality. One of the causes being cited is diesel trucks  
3 hauling trash.

4 L.A. is at the top of the list for polluting  
5 cities being cited, with 106 days of unhealthful air  
6 between 1999 and 2001, when children and asthmatics have  
7 to curtail outdoor activity because of high pollution  
8 levels.

9 Balboa Boulevard, which runs down the center of  
10 our community, has seen a tremendous increase in traffic.  
11 Santa Clara, Cascade, Palmdale, Lancaster, and places in  
12 between and the pollution from nearby overcrowded  
13 freeways, which also includes SUV's and other vehicles.

14 There are no plans at this time to reduce the  
15 traffic in these, what rather to increase it. The air  
16 quality is already rated unsafe, what rationale can be  
17 given for adding more pollutants to the air that our  
18 children have to breathe?

19 At practically every meeting and hearing I have  
20 attended on the subject, I hear people tell of their  
21 concerns of a significant number of cancer victims living  
22 in close proximity to one another and the landfill.

23 At a most recent meeting I attended, a woman told  
24 of eight cancer victims on one block. My own neighborhood  
25 is also an example of such. When we moved to our current

1 residence a lady across the street was dying of cancer.  
2 In 1994 my next door neighbor was fighting breast cancer.  
3 And two years ago her husband was diagnosed with cancer.  
4 In January of this year my husband was diagnosed with  
5 cancer. Three households and four cancer victims in  
6 twelve years. Is there any connection with the landfill?

7 Who knows where other victims there might be if we  
8 continue down the block? Why not require a health study  
9 to be done in our community?

10 If there's no correlation with the landfill, the  
11 applicant should be happy to prove us wrong and remove our  
12 concerns about the health effects we may be suffering  
13 caused by close proximity to the landfill.

14 Is that the end? Thank you.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
16 Bendiksun.

17 My next speaker slip is Sal Sciortino, North  
18 Valley Coalition.

19 MR. SCIORTINO: Sure.

20 BOARD CHAIR MOULTON-PATTERSON: All right. Thank  
21 you for being here.

22 MR. SCIORTINO: Thank you for allowing me to talk  
23 briefly on the landfill. Now, I sent a letter to the  
24 entire CIWMB, the Board, and I received answers from  
25 Steven Jones, Cheryl Peace, Carl Washington, and Michael

1 Paparian, no response from the other Board members. I  
2 wanted to inquire if they received the letter. It was May  
3 1, it was delivered also by Wade Hunter up in Sacramento  
4 on the 5th.

5 But perhaps the Board may not remember it, but on  
6 the other hand it was sent out, and I wanted to know if it  
7 was received by the Board, and if you received it, Mrs.  
8 Chair, Madam Chair?

9 BOARD CHAIR MOULTON-PATTERSON: Yes, I did receive  
10 it and our response must have passed in the mail.

11 Mr. Medina, did you receive it?

12 BOARD MEMBER MEDINA: I'll have to check with my  
13 staff to make sure that I did receive it. If staff says  
14 yes, we're required to send a response, so you would  
15 receive a response.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you. Okay,  
17 continue please.

18 MR. SCIORTINO: Okay. In your report, it is  
19 because of the State Auditor's report in September of 2000  
20 is the first point I'm making in the letter.

21 It basically says that sufficient landfill  
22 capacity, California has sufficient landfill capacity for  
23 another 47 years instead of the fifteen years identified  
24 by local governments.

25 Now do you agree with that statement? That's the



1 question. I'm not going to ask you to answer it, but I'm  
2 going to answer it both sides.

3 If you agree, then I would suggest that you deny  
4 the permit to expand the Sunshine Landfill as it is  
5 unnecessary due to the unsolved problems of land gases  
6 that are mentioned in the report as an ongoing problem,  
7 the toxic gases adjacent to homeowners in the Granada  
8 Hills neighborhood, which includes my grandchildren.

9 If you disagree, then I would suggest that you  
10 look at the report, the biennial report by the landfill  
11 itself, BFI which is now Allied Waste, which states that  
12 only 50 percent of the 16.9 million tons has been used on  
13 the county side in the last six years. Now that would  
14 leave another six years if they continued to operate the  
15 same way they did in the last six years.

16 I think this Board has authority to grant the  
17 permit or, and the authority implies a right to deny or to  
18 restrict the grant of the permit.

19 I would ask the Board to exercise its  
20 responsibility and authority to regulate the landfill at  
21 Sunshine Landfill.

22 And the reason is your mission is to protect the  
23 public health and safety and the environment, and  
24 particularly if it's not really necessary. We're going to  
25 have to learn how to use, it's 47 years which your Board

1 has graciously granted permits for in the Southern  
2 California area.

3 I think I'm out of time so that would be my input.

4 Thank you.

5 BOARD CHAIR MOULTON-PATTERSON: Thank you very  
6 much. Next we have Brian Williams, Los Angeles Mayor Jim  
7 Hahn's office.

8 MR. WILLIAMS: Thank you, Madam Chair. Before I  
9 read the statement Mr. Mayor wrote earlier today and asked  
10 me to deliver to the Board, I did have a concern  
11 concerning the ability of the many people who are here  
12 today to be able to hear what's been going on there in  
13 Sacramento.

14 Sitting out in the lobby and there are really only  
15 two things that we can hear, number one, the comments  
16 coming out of this room, and the second thing someone  
17 whispering into the microphone up in Sacramento we have  
18 heard their entire conversation.

19 So I wonder the efficacy of continuing, or having  
20 reheard the initial portion of this hearing at another  
21 time when the technology issues could be solved, because  
22 very little if any could be heard by most of the crowd  
23 here, and that includes the staff report, which I'm sure  
24 many folks wanted to comment on and, would be unable to do  
25 so because they simply couldn't hear what was occurring.

1 BOARD CHAIR MOULTON-PATTERSON: Mr. Williams, Mr.  
2 Williams, I understand, you know, and please be patient  
3 with us, this is our first video teleconferencing, that we  
4 need to take the system down for two minutes so that they  
5 can hear, is that right?

6 MR. PECK: Yes.

7 BOARD CHAIR MOULTON-PATTERSON: So if you'll  
8 indulge us for two minutes, we will try and get it up and  
9 running.

10 (Thereupon there was a discussion off the  
11 record.)

12 BOARD CHAIR MOULTON-PATTERSON: Mr. Williams, I  
13 did want to convey to you that we did have a location that  
14 had better technology, but the North Valley

15 Coalition asked that we have a more convenient  
16 location. So we are doing the best we can, and give us a  
17 moment and we'll see if it's improved.

18 MR. WILLIAMS: I understand that and I appreciate  
19 your concern and your efforts.

20 (Thereupon there was a brief recess.)

21 BOARD CHAIR MOULTON-PATTERSON: Okay. Mr.  
22 Williams, would you continue, please?

23 MR. WILLIAMS: Thank you, Chairwoman Patterson.  
24 The mayor's statement reads as follows:

25 "We've come to a critical juncture in the history

1 of landfills in our community. It's clear that the  
2 decision that you make today will have a lasting impact on  
3 local residents for generations to come. I am absolute  
4 opposed to opening the city portion of the Sunshine Canyon  
5 Landfill, and I'm committed to closing all other landfills  
6 within our community.

7 "I join the corps of voices that include the  
8 thousands of residents, many of whom are here today whose  
9 daily lives will be affected by the operation of the  
10 Sunshine Canyon facility,  
11 members of the Los Angeles City Council, the Los  
12 Angeles city attorney, and state legislators who oppose  
13 expanding Sunshine Canyon.

14 "We ask that you deny BFI's permit for the  
15 expansion of the Sunshine Canyon facility, and return the  
16 application to the local LEA for further review.

17 "On several occasions I've voiced to you my many  
18 concerns about unresolved air quality, water quality, and  
19 other environmental issues. Today these issues remain  
20 unresolved. And until these issues are resolved, public  
21 policy is safety.

22 "However, the effect of placing a large disposal  
23 facility in an increasingly urban environment has not been  
24 adequately addressed.

25 "I will ask you to consider the following: As

1 proposed, the Sunshine Canyon facility will operate less  
2 than one mile from the Van Gogh Elementary School where  
3 hundreds of children attend school.

4 "The nearest homes are approximately a quarter  
5 mile from the open space boundary proposed expansion area.

6 "And the closest house of worship is just minutes  
7 away.

8 "If the city portion of the Sunshine Canyon  
9 facility opens, these places and the families who live and  
10 worship and attend school there will have as their  
11 neighbor a landfill that can accept 5,500 tons of trash  
12 per day. This is an untenable situation.

13 "The strictest rules must be applied for the  
14 lives of our children and elderly will be affected.  
15 Environmental justice is one of the factors you must  
16 consider in one of your determination of whether to grant  
17 BFI's requested permit.

18 "In light of this, I do not believe that permit  
19 should be issued. Also, I do not believe that the issues  
20 of the volatile organic compounds and the groundwater have  
21 been adequately addressed. The Regional Water Quality  
22 Control Board has been notified of this, and until they  
23 have determined that there's no danger of groundwater  
24 contamination at the Sunshine Canyon facility or any  
25 future proposed facility, no permit should be issued.

1           "Likewise, the release of methane gas in  
2   exceedance of state standards is already an issue at the  
3   existing Sunshine Canyon facility. Until that issue is  
4   resolved in the county portion of the landfill, no permit  
5   should be issued for a new facility.

6           "The health of thousands of residents and health  
7   of our neighborhoods around the Sunshine Canyon facility  
8   will be jeopardized by your decision.

9           "Again, I urge you to deny this permit, and  
10   return the application to the local LEA to resolve the air  
11   quality, water quality, and other environmental issues.

12          "Thank you."

13          BOARD CHAIR MOULTON-PATTERSON: Thank you very  
14   much, Mr. Williams.

15          Greg Smith, City of Los Angeles.

16          MR. SMITH: Thank you. This is Greg Smith. I'm  
17   speaking on behalf of the council in the 12th District  
18   which represents the area in which Sunshine Canyon  
19   resides.

20          It's important to note that, as we sit here today  
21   in Southern California, we are downwind just less than a  
22   half a mile from the Sunshine Canyon Landfill, and on 70  
23   percent of the city's water supply. It's an important  
24   distinction.

25          In 1989, due to numerous violations at the

1 Sunshine Canyon Landfill, the City of L.A. conducted  
2 zoning revocation hearings that closed the landfill.  
3 During the determination, the zoning administrator stated  
4 very clearly that due to the winds that blow from the  
5 north, sometimes seventy miles an hour, the landfill is in  
6 a bad location.

7           We've concurred with that, and in 1991 the City of  
8 Los Angeles closed the Sunshine Canyon Landfill, we  
9 thought forever.

10           In 1999 it resurfaced its ugly head. And on a  
11 narrow vote of eight to seven of the city council the  
12 council approved the permit. But it was made on false  
13 assumptions, assumptions that were proven later, just a  
14 year later by the state audit that we no longer need  
15 additional landfill capacity in the Southern California  
16 region.

17           Your own State of California told us that we  
18 didn't need this landfill. We made an assumption in 1999  
19 based on false information given to us. We want a second  
20 chance.

21           Our mayor has spoken very succinctly that he wants  
22 a second look at this. Our city council wants a second  
23 look at this. Our city attorney will testify shortly,  
24 they want a second look. And certainly the residents of  
25 Granada Hills are unified in saying they want the

1 government to take a second look at it.

2           It is the city's responsibility to determine its  
3 best interest. We hope the State of California will  
4 understand the city's desire to take a second look at a  
5 mistake that was made in 1999.

6           We certainly, as members of the community as well  
7 as city government officials, need the right to take a  
8 second chance, and take a second look at this to determine  
9 its efficiency and its accuracy and its need.

10           Give us that chance. Please either turn down the  
11 request or postpone it for the City of L.A. to have an  
12 opportunity once again to determine its own future.

13           We are actively working to find alternatives to  
14 landfills. We have issued requests for proposals and for  
15 qualifications to alternatives to dumps. Let us move into  
16 the 21st century with new ideas and new technologies to  
17 get away from the archaic concept of digging a hole in the  
18 ground and throwing the trash into

19           it. Let the City of Los Angeles make that  
20 decision for its citizens. We beseech you, we beg of you.

21           Thank you for your attention.

22           BOARD CHAIR MOULTON-PATTERSON: Thank you. James  
23 Ford.

24           MR. FORD: Yes, Madam Chairperson and Board  
25 members. Thank you very much for giving me the



1 opportunity to speak today.

2 I can't quote statistics to you, I guess they can  
3 be used, I guess, to manipulate from anybody's point of  
4 view. And you have diametrically opposed opinions, and  
5 it's the same statistics that support that point of view.

6 I'm all for new technology and dispelling the  
7 archaic notions of digging a hole in the ground and  
8 filling it, but I say, what are the alternatives? I mean,  
9 do we have a possible alternative to the landfill  
10 situation?

11 I know that there's a trash crisis here, but I  
12 represent approximately 20,000 units of multi-family  
13 homes, people that live in apartment buildings in other  
14 words. And these people are the ones that end up paying  
15 the brunt of these changes.

16 If the Sunshine Canyon is closed, it's my  
17 understanding that we may have to rail the trash out of  
18 here. I'm not a trash guy, I don't know how that works, I  
19 don't know the politics of closing or of keeping open the  
20 Sunshine Canyon thing, and I certainly understand the good  
21 people of Granada Hills' point of view regarding this.

22 But what about the 20,000 units that I represent  
23 of people living in apartments? In Seattle, for instance,  
24 if you put three cubic yards, I guess they measure trash  
25 by cubic yards, if you put three cubic yards of trash in a

1 trash bin it doesn't automatically incinerate, it doesn't  
2 take care of itself, it doesn't go away. Something has to  
3 be done. And I haven't heard of any viable alternatives  
4 yet to a landfill.

5 In Seattle, where they rail the trash out of  
6 there, it costs \$180 as opposed to about \$70 in Los  
7 Angeles to get rid of the same amount of trash.

8 My concern is that the people that can't afford to  
9 buy their own homes, that are living month to month, hand  
10 to mouth in apartments, right now paying their rent and  
11 just getting by, and the moms and pops that own those  
12 buildings, how are they going to be able to pay for the  
13 increased cost of disposing of the trash? That's my  
14 question.

15 I just wanted to voice that opinion, and I thank  
16 you very much for listening.

17 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mr.  
18 Ford.

19 Meg Volk.

20 MS. VOLK: Hi, my name is Meg Volk, and I'm a  
21 resident in a housing development extremely close, right  
22 on the border of the dump. When my husband and I bought  
23 our property we were told that the dump was closed with no  
24 plans of reopening, and that it would be turned into open  
25 space. That is why we chose to live in this area, because

1 of the parks and the fact that we have open space beyond  
2 this.

3 I was once lured by BFI's safety. And I took the  
4 tour, my son and I did a videotape on recycling with BFI.  
5 But I know that liners leak. We all know that liners  
6 leak. And we're still using that same technology.

7 The leachate does get into the groundwater. The  
8 studies have never been done to clear the water of  
9 contaminants, and past studies have never been done that  
10 have been promised.

11 So we lost this vote in council, city council by  
12 one vote. Many of those people are not even in office  
13 now, and our Mayor is no longer in office. The community  
14 has never wanted this dump.

15 Ms. Ann Kinzle of Reseda does not live in our  
16 neighborhood, and she may have been given favors as our  
17 community has too. Granted, they have donated things to  
18 the fields, and they've done a lot of things for the  
19 community, but at what cost? They're trying to buy us  
20 off. I, you know, have been involved in that myself. They  
21 tried to lure me.

22 But this is not a good thing. The community  
23 doesn't want it. It has health issues, water quality  
24 issues, and land value issues.

25 I'm a Realtor and I'm very concerned about the

1 value of our property being on the edge of the dump.

2 I thank you for hearing us today. I wrote a  
3 letter to all of you Board members, and I appreciate your  
4 response, those of you who responded.

5 And I just hope you really seriously consider all  
6 of the issues that are not determined before you make your  
7 decision, and I hope you vote not to permit this  
8 expansion.

9 Thank you very much.

10 BOARD CHAIR MOULTON-PATTERSON: Thank you.

11 Mary Ellen Crosby.

12 MS. CROSBY: My name is Mary Ellen Crosby, and I'm  
13 chairman of the Friends of Omelveny Park. I don't know  
14 whether you're aware of this, but it's the second largest  
15 park in Los Angeles next to Griffith Park. It's a  
16 neighborhood park, and as our neighbor is the dump. They  
17 border on us on the one side.

18 They've tried to be good neighbors, and actually  
19 they think they are. Recently they were very good to us  
20 and they donated a water fountain, and I really appreciate  
21 it.

22 But that doesn't make up for all the bad things  
23 they have done to us, like when they cut down a whole row  
24 of redwood trees to open another section of the park, that  
25 let more wind blow through.

1           And as you probably are aware from all the other  
2 talks, we're in a very windy area, and all the trees in  
3 Granada Hills lean and blow towards the south. It's on a,  
4 when neighbors and people come to our area who are not  
5 familiar they say, "Why do all the trees grow that way?"

6           And I say, "That's the wind and that's the way the  
7 dump is, and it's right above us, and the wind blows down  
8 onto us."

9           They can't help that. They think they're being  
10 good, they have no idea how much dust and dirt we get from  
11 'em.

12           But the main thing that I'm concerned about is the  
13 park. I have a big love for it, and so do the people in  
14 our neighborhood. Years ago we had all kinds of wildlife,  
15 but since the expansion of the park our wildlife has  
16 really decreased. We don't see the birds and the rabbits  
17 and the coyotes and the mountain lions and the deers, and  
18 even the snakes have decided they don't like our park  
19 anymore. We have very few of them, and it's because of  
20 the smell and the wind and the changes in the environment  
21 around us.

22           And on a windy day we get all kinds of debris  
23 blowing, trash and bags and dirt and papers in our trees.  
24 Now I will say this, they tried to be very good, they come  
25 out if we notify them, they'll remove it, but they can

1 only remove that trash, what about the dust and the dirt?

2           The other thing that I'd like to bring up is our  
3 park, and I say our park because the people in Granada  
4 Hills love it and use it so much. It is in a canyon, and  
5 it has trees all around us, and there's mountains around  
6 us, and they bring children in from the inner city who  
7 don't know what animals look like, they haven't seen a  
8 coyote, they don't know what rabbits look like. They come  
9 to our park because it's a nature park, and it's intended  
10 to stay that way.

11           When it was dedicated and given to us by Omelveny,  
12 it was intended that it would stay a nature park, and we'd  
13 like to see it stay that way.

14           And several times a week they bring busloads of  
15 children in from the inner city to enjoy clean, fresh air.  
16 They're not getting that clean, fresh air because of what  
17 is happening.

18           And the Audubon Society, they used to come, you  
19 would see people several times a week out there charting  
20 birds and bringing their groups. I haven't seen them in  
21 over a year because we don't have all the birds that we  
22 used to have.

23           So if you had a park like this in your backyard  
24 I'm sure you wouldn't want to see it destroyed, and you  
25 wouldn't like to see the animals being removed. So think

1 of all the hundreds and thousands of children in Los  
2 Angeles that use our park, and give us some consideration,  
3 and please don't let 'em open more dump to come into our  
4 park.

5 Thank you very much.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Mrs.  
7 Crosby.

8 Barbara Iveden?

9 MR. SIMPSON: She's passing, Madam Chair.

10 BOARD CHAIR MOULTON-PATTERSON: Okay. Ben  
11 Pedrick, is that correct?

12 MR. PEDRICK: Yes, that's correct. I'm Ben  
13 Pedrick, and I've been a resident in Granada Hills right  
14 across the street from where we're meeting for almost  
15 forty years.

16 When rural people who had no indoor plumbing  
17 drilled wells for drinking water they didn't put their  
18 privy up on the hill above the well.

19 Now, the bottom of the dump is higher than the top  
20 of the drinking water. And in spite of the fact that they  
21 have all these filters, and these plastic deals, when we  
22 had these two earthquakes here, we had tremendous ground  
23 movement right through the water area where we sit. There  
24 were three huge cracks, one of which was a foot and a half  
25 wide, and the kids were climbing down into it. Don't

1 think that didn't scare us.

2           So no matter how much they try to cover the bottom  
3 of the dump, the earthquakes can crack. We've had people  
4 killed in earthquakes in the neighborhood. Balboa  
5 Boulevard slid sideways, Van Gogh School was destroyed  
6 twice, and all the bridges here fell down, and a lot of  
7 people were killed.

8           So if we had a lot of rain like we did once years  
9 ago and an earthquake at the same time, we can have a  
10 tremendous landslide which would come down into the  
11 aqueduct and into the water supply on top, not just soak  
12 through.

13           So I think that this is a dangerous area to have a  
14 dump way up on top of a mountain with the L.A. city  
15 drinking water down at the bottom.

16           Now they want to move the dump closer to the  
17 drinking water. So I would say, please do not move the  
18 privy closer to the well. I think we have here a  
19 potential for 20th century stringfellow dump, such as we  
20 have in Riverside County. And I think all the people that  
21 have made the decisions will be gone then, but it will be  
22 a great environmental and health disaster.

23           So please do not allow them to move the dump back  
24 into the city to get closer to the drinking water, the  
25 school, the residents, etcetera.



1 Thank you very much.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you.

3 Gideon Kracov, Deputy City Attorney for the City  
4 of Los Angeles.

5 MR. KRACOV: Good afternoon, Chairperson  
6 Moulton-Patterson, Board members. My name is Gideon  
7 Kracov, I'm a Deputy Los Angeles City Attorney. Rocky  
8 Delgadillo asked me to appear today to express his  
9 opposition to the expansion of the Sunshine Canyon  
10 Landfill.

11 We also thank the chair's response to the city  
12 attorney's letter requesting a local hearing on this  
13 permit.

14 Let me begin by noting in the strongest terms  
15 possible that protecting our neighborhoods is a top  
16 priority of the Los Angeles City Attorney's office.

17 To us public safety means ensuring a clean  
18 environment and protecting public health. A healthful  
19 environment is the foundation of a good quality of life.  
20 The expansion of the Sunshine Canyon threatens to  
21 undermine that foundation in Granada Hills and other north  
22 valley communities.

23 That is why city attorney Delgadillo is working  
24 with the Mayor and the Los Angeles City Council to oppose  
25 the Sunshine expansion. And that is why the city attorney

1 joins today with the north valley community to urge denial  
2 of the Sunshine solid waste facilities permit.

3 Too many health and safety questions remain  
4 unanswered, including the Regional Water Quality Control  
5 Board's April, 2003 identification of volatile organic  
6 compounds in the water collected at the Sunshine County  
7 extension landfill sufficient to cause evidence of a  
8 release, and BFI's joint technical document quote "not  
9 complete" end quote.

10 We recognize our shared responsibility for  
11 disposal and management of solid waste. To this end the  
12 City of Los Angeles has set its sights high with  
13 aggressive recycling and waste diversion programs.

14 However, where landfills are permitted, they must  
15 undergo the most rigorous environmental and public health  
16 review. Our communities deserve no less.

17 This is particularly true of the San Fernando  
18 Valley which is home to dozens of closed or active  
19 landfills. It already bears more than its fair share.

20 The city attorney wishes you could be here today  
21 to make the decision in the community that it will so  
22 profoundly affect.

23 Sunshine Canyon is located within a mile of Van  
24 Gogh Elementary School. Expanding this landfill will put  
25 a generation of school children even closer to the waste.

1           That is why the city attorney will continue to  
2 work with other city departments to go above and beyond  
3 your state minimum standards at this landfill by imposing  
4 conditions that is an absolute prohibition of disposal of  
5 all radioactive waste. The city attorney is prepared to  
6 conduct an aggressive enforcement program to fill in the  
7 gaps in weak state laws concerning screening to prevent  
8 disposal of radioactive waste within our landfills.

9           Thank you for the opportunity to address you. We  
10 look forward to working with you, the community, and other  
11 elected officials as well as the landfill operator to  
12 ensure a just and environmentally protected outcome.  
13 Thank you.

14           BOARD CHAIR MOULTON-PATTERSON: Thank you. Board  
15 member Paparian has a question for you.

16           BOARD MEMBER PAPARIAN: Mr. Kracov, the law limits  
17 our ability to turn down a permit once it has gone through  
18 the city processes and has been forwarded  
19 to us.

20           I was curious if the city attorney's office has  
21 looked into those things? It's Public Resources Code  
22 Section 44009. And whether you have any grounds based on  
23 what's in the statute that we could use if we had concerns  
24 about the landfill?

25           MR. KRACOV: We have identified and reviewed those

1 laws, and I'd be happy to go into it a little bit with you  
2 today, or if you would like a further review briefing from  
3 us we'd be happy to provide that to you upon your request,  
4 Mr. Paparian.

5 We believe that your review of the state standards  
6 is not a rubber stamp review, and we believe that you are  
7 obligated to listen to the concerns of the community. To,  
8 for example, take a hard look at the Regional Water  
9 Quality Control Board's concerns about the current active  
10 county landfill.

11 We think that all of this is part of the review  
12 that you were allowed under the Public Resources Code and  
13 the regulations.

14 BOARD MEMBER PAPARIAN: Okay. Anything specific  
15 to the 44009 though?

16 MR. KRACOV: I don't have the code section in  
17 front of me, sir, but I'd be happy, if you want to put  
18 this over further, we could provide you an extensive  
19 analysis of that particular code section. I don't have it  
20 in front of me.

21 BOARD MEMBER PAPARIAN: Okay. Thank you.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mr.  
23 Paparian, had you finished? Okay. Thank you.

24 Barbara Denny, followed by Dianne Hecht.

25 Oh, sorry.

1 MR. SIMPSON: Sorry, Madam Chair. We have an  
2 addition here for you, this gentleman needs to leave soon.

3 MR. GODFREY: Good afternoon, Chairperson  
4 Moulton-Patterson and Board members. My name is Michael  
5 Godfrey, I have been a resident of the Granada Hills  
6 community since 1967.

7 Ever since Browning-Ferris Industries bought and  
8 expanded the Sunshine Canyon Landfill, the environmental  
9 quality of life in our community has been negatively  
10 impacted.

11 With the expansion of the landfill, BFI has built  
12 a mountain of garbage, 2,000 feet in elevation directly  
13 above the homes and schools, and located next to the  
14 largest water treatment facility in the entire United  
15 States. This water treatment facility provides a water  
16 supply to the entire Los Angeles metropolitan community.

17 BFI and the reviewing agencies have admitted that  
18 the air quality will be severely degraded by the diesel  
19 trucks bringing more trash to the landfill, and  
20 incinerators processing the greater quantity of garbage.

21 Residents and the children attending the local  
22 schools can expect to experience increased odor, more  
23 blowing dust, possibly respiratory distress, and other  
24 health risks.

25 During the 36 years I have lived on Tennyson Place

1 bordered by Trosa and Meadowlark, there have been seven  
2 residents on our block alone who have contracted various  
3 forms of cancer.

4 Before the CIWMB grants any permits, the residents  
5 of Granada Hills demand a comprehensive health survey to  
6 evaluate all of the risks involved with any further  
7 Sunshine Canyon Landfill expansion.

8 We really need to be heard in order to protect the  
9 health of the local residents and the water supply for the  
10 entire Los Angeles metropolitan community.

11 I am requesting that this permit not be granted,  
12 or at least postponed until more health data can be  
13 collected and evaluated.

14 Thank you for your attention. I appreciate your  
15 time.

16 BOARD CHAIR MOULTON-PATTERSON: Thank you. Diane  
17 Hecht -- or Ralph Iverson, whose ever ready.

18 MR. SIMPSON: He's passing as well.

19 BOARD CHAIR MOULTON-PATTERSON: What is your name,  
20 sir?

21 MR. HECHT: Allen Hecht.

22 MR. SIMPSON: Allen Hecht.

23 BOARD CHAIR MOULTON-PATTERSON: Okay.

24 MR. HECHT: Sunshine Canyon is an example of the  
25 ways that the closure process for a landfill can be

1           protracted for years. Closure still has not been  
2 completed, even though they are proposing to expand it  
3           into the city. It was apparent from the  
4 beginning that BFI was using the closure process to put in  
5 the infrastructure for their expanded project and wanted  
6 to wait until this was granted.

7           BFI will opine that the community and the state  
8 have delayed closure, but nothing could be further from  
9 the truth. We wanted closure over a decade ago, but we  
10 did not want it to destroy a wetlands or provide a vehicle  
11 for their expansion.

12           This phase one of Unit II expansion into the City  
13 of Sunshine Canyon Landfill cannot legally be started  
14 until the landfill is closed, as stated in the city's Q  
15 condition that reads in B.2.d.2)dd,

16           "Evidence of completion of the approved closure  
17 construction in the areas where new waste will overlie  
18 portions of the inactive landfill and compliance with the  
19 closure plan, as determined by the Local Enforcement  
20 Agency, for the inactive city landfill."

21           And I might add, I personally talked to the people  
22 up in Sacramento about this. Since the northerly portion  
23 of the landfill lies outside of the legal description of  
24 the area formerly permitted for landfiling, BFI contends  
25 that this is "virgin land" and that phase one would not

1 need to be properly closed in order to begin operations.

2 And I'd also add that I don't think BFI will --

3           This area, however, was subject to a curative  
4 variance issued by the city zoning board to cover the  
5 violation of their legal boundaries that had taken place  
6 outside of the permitted area.

7           These included trash beyond the boundaries and  
8 under the access road, and the extensive grading for soil  
9 to use as daily cover.

10           The map, adopted by the city zoning board,  
11 establishes the extensive area covered by the curative  
12 variance and clearly shows that the proposed expansion  
13 would overlay this area.

14           Allowing expansion activities to begin at this  
15 time would be in direct conflict with the city's  
16 conditions and, therefore, set a bad precedent.

17           Enforcement of closure is in this Board's hands.  
18 It has now been over twelve years since the landfill  
19 stopped taking trash, and the landfill has not undergone  
20 closure, and it is appalling that no one will take  
21 responsibility.

22           The closure plan must be written to encompass the  
23 area of past violations and restrict the plan to required  
24 closure elements, and disallow the fragmentation of the  
25 project to avoid significant impacts.



1           We're here before you today because we're asking  
2 you to protect the people of this community. You are our  
3 last hope. I guess coming before you now is wishful  
4 thinking. But I have to assume the new members of your  
5 Board have a conscience.

6           It is comforting to know that Chris Funk of BFI  
7 did not lie to us about the capacity of the landfill, that  
8 it was somebody in your Board.

9           We consider, you gotta consider earthquakes, water  
10 supply, air quality, traffic, proximity of the residential  
11 areas before you sell us out.

12           And I'd also like to add that the people who have  
13 20,000 units who refuse to recycle, it's ludicrous for  
14 them to talk about what you do with --

15                       BOARD CHAIR MOULTON-PATTERSON: Thank  
16 you.

17           MS. SIMPSON: Catherine Thompson.

18           BOARD CHAIR MOULTON-PATTERSON: Catherine  
19 Thompson.

20           MS. THOMPSON: Hi, I'm a neighborhood homeowner,  
21 and I'm going to start this off kind of hard, and I'm  
22 going to talk fast because I have a lot to say.

23           Wake up people. We're sitting on one of the  
24 biggest earth faults in the State of California. Water  
25 contamination can and will happen, and if we don't fight

1 and stop BFI Sunshine, my word is swamp, Harvey and  
2 anaconda, that's my word too, big head trash NOB Grenada  
3 Hills.

4 Our water treatment plant is a hundred fifty yards  
5 downhill to the dump. The biggest treatment plant in the  
6 United States. Van Norman Dam, our water dam, and the  
7 holding tank for our main drinking water, downhill in  
8 close approximation to the dump.

9 BFI and the circulation of seepage, unknown toxic  
10 waste, carcinogenic material, solvents, methane gas,  
11 bacteria, body parts, etcetera, etcetera, only God and BFI  
12 knows what else. You fill in the blank, BFI.

13 With the great -- at Van Gogh School, and the huge  
14 pipe underground you can drive a truck through, they have  
15 found high methane levels and cracks, a huge explosive  
16 factor, and rips in the plastic layers that cover the  
17 trash, layer after layer with holes in it, causing  
18 underground seepage into our water.

19 The valley mostly fills -- leads to an excellent  
20 percolate seepage, and all these chemicals and waste, no  
21 matter what you say, BFI, you cannot guarantee our  
22 safety. It will leak, and this is just the ground  
23 problem.

24 The dust and the fumes are another subject. Why  
25 should we and our children and their children suffer from

1 the outcome in the future?

2 The air quality -- don't even make me go there.

3 -- was taken off the shelf because it had something that  
4 bothered a few people. But yet BFI said we can, they want  
5 to give us tons of chemical waste and that affects  
6 everyone. What's wrong with this picture?

7 Again, wake up people. Los Angeles, the valley  
8 was a desert and it could not be this busy today without  
9 the water. Clean water made the valley bloom. We don't  
10 need terrorists to blow us up, we have them in our  
11 backyard, slowly in the future killing everything.

12 We need a good cleanup and it starts right here  
13 today. No more permits to BFI.

14 Thank you again for listening to this.

15 BOARD CHAIR MOULTON-PATTERSON: Thank you. The  
16 next speaker slip I have is John Lauritzen, Los Angeles  
17 School District. Is that you, sir?

18 MR. LAURITZEN: Yes, I'm John Lauritzen. I have  
19 been elected to represent the Board of Education for this  
20 district. I'm also speaking on behalf of Julie Korenstein  
21 who is a Board member who is currently in a school board  
22 meeting and could not be here this afternoon. Both of us  
23 represent portions of the district affected by this  
24 landfill.

25 This is a disastrous project. It has serious

1 detrimental impacts to our community. Expanding this  
2 landfill brings it closer to the water supply, closer to  
3 the residents, and closer to our schools.

4           The time has come for the state to incorporate  
5 alternative methods of disposing of trash. We are far  
6 behind many other countries in the area of waste  
7 management.

8           Browning-Ferris Industries, or BFI, has not proven  
9 to be a good corporate neighbor. The residents have asked  
10 many times for comprehensive health studies, and BFI  
11 refuses every time. It's outrageous that financial gain  
12 is put before the health of the residents. And the permit  
13 that is being requested today would allow medical waste to  
14 be disposed of at the Sunshine Canyon.

15           BFI has over 93 violations that range from  
16 moderate to severe with no penalty. In our capacity as  
17 L.A.U.S.D. school board members, we have grave concerns  
18 about the health of the children at the nearest schools.

19           The schools, the closest school is less than a  
20 half a mile away. It is a known fact that there are  
21 cancer pockets in the community surrounding the area of  
22 the landfill, and also amongst the teachers who have  
23 taught at Van Gogh Elementary School.

24           BFI installed an air quality monitor at Van Gogh  
25 School over a year ago in order to secure a baseline

1 reading, and has refused to release the results to either  
2 the community or the neighborhood council or to our school  
3 board.

4           There's an overwhelming opposition to the  
5 expansion. It's the focus of Senator Gloria Romero, State  
6 Senate Select Committee on Urban Landfill. It was the  
7 main reason for former Assemblyman Scott Wildman's audit  
8 in 2000. The Mayor of Los Angeles opposes it. The North  
9 Valley Coalition and thousands of members have fought  
10 tirelessly for over twenty years to rid this urban  
11 neighborhood of the dump.

12           Only you have the authority to do this. And I ask  
13 you today to deny this permit for the health and  
14 well-being of the entire city.

15           Thank you.

16           BOARD CHAIR MOULTON-PATTERSON: Thank you. Donna  
17 Zero, Van Gogh Street School.

18           MS. ZERO: Good afternoon. My name is Donna Zero,  
19 and I'm the principal of Van Gogh Street School. I'd like  
20 to make two statements today.

21           My school has 440 students and 48 staff members,  
22 and is located approximately a half a mile from the  
23 landfill. I am very concerned about the health and safety  
24 of my staff and students.

25           The past couple of years I've had to have several

1 lockdowns because of odors in the air that we couldn't  
2 identify, and we had to keep the students indoors.

3 My second statement concerns the monitoring device  
4 that was placed on my campus. It was removed after being  
5 there for one year, approximately six months ago, and we  
6 still haven't received the results of that monitoring  
7 device.

8 Unless you can guarantee the health and safety of  
9 my staff and students as well as the residents in the area  
10 you need to deny this permit to expand.

11 Thank you.

12 BOARD CHAIR MOULTON-PATTERSON: Thank you.

13 MR. ABRAM: Harvey Abram. Yes, hi, I wanted to  
14 first begin by thanking Mr. Paparian, Mr. Jones, and Mrs.  
15 Patterson for responding to my e-mail last night. I  
16 received confirmation that it's part of your official  
17 record, but I did want to go back and just emphasize a few  
18 extra points.

19 As the representative of the United Teachers of  
20 Los Angeles, UTLA, the chapter chair here at Van  
21 Gogh Elementary School, I had a petition signed by one  
22 hundred percent of the teachers. And the petition states  
23 that,

24 "We are opposed to any construction, development,  
25 or expansion in any form of the Sunshine Canyon Landfill.

1 Due to this landfill, teachers and students are  
2 experiencing headaches, nausea, and illnesses due to the  
3 odor of trash and dust wafting over the hill onto our  
4 school playground.

5 "Studies indicate levels of toxicity that are not  
6 acceptable, even with BFI Industry's attempts at  
7 mitigation.

8 "Two Van Gogh teachers, Joy Jones and Polly  
9 Mitchell, have died due to cancer, and three others have  
10 been diagnosed with breast cancer. This high incidence of  
11 cancer is not a coincidence."

12 I wanted to bring a big sign that states, "The  
13 incidence is not a coincidence."

14 "Many of the teachers are afraid to  
15 take their children out to PE. We come back into  
16 the classroom and the students are wheezing because of the  
17 dust and the toxicity."

18 I wanted to explain a little bit about, to the  
19 gentleman who was worried about the apartment owners, I  
20 believe that apartment owners and apartment tenants can be  
21 given incentives to recycle. They can be provided rewards  
22 so that the cost is equitably shared.

23 Back in 1999 the city council voted, and there was  
24 one vote short of closing down the dump, and our former  
25 Mayor and city council at that time, well I don't know how

1 in good conscience they could have made that decision.

2 Everyone I talked to feels and guesses that they must have  
3 been paid off, but of course there's no proof of that.

4           Whatever happened to the monitoring station that  
5 was put outside of the classroom? Right near my classroom  
6 there was a small monitoring station. No one seems to  
7 know, it just sort of disappeared about a month ago.

8           I was fortunate enough to take a field trip back  
9 in 1989 with my third graders to the Sunshine Canyon dump.  
10 And on our field trip people from BFI showed us that this  
11 is going to be capped and covered with a nice park and a  
12 petting zoo. And they showed us a small little plastic  
13 model with deer, and where the children were going to have  
14 a place to run around, and I kind of want to know,  
15 whatever happened to that promise?

16           Here we are sitting right on top of an earthquake  
17 fault, right downwind from a wind canyon, and I can't  
18 believe that you're even considering expanding this dump.

19           So please, in good conscience do not permit BFI to  
20 put their dollars before the lives of our children.

21           Thank you very much for your compassion and for  
22 allowing my letter to become an official part of the  
23 record.

24           Thank you.

25           BOARD CHAIR MOULTON-PATTERSON: Thank you.



1           Suzanne Gornick, Valley Industry and Commerce  
2 Association.

3           MS. GORNICK: Thank you for the opportunity, Madam  
4 Chair and members of the Board, for allowing me to come  
5 here today.

6           I am one of the co-chairs for the Environment  
7 Infrastructure and Water Committee for the Valley Industry  
8 and Commerce Association. We represent close to three  
9 hundred businesses in the San Fernando Valley, and have  
10 come to be in support of the expansion.

11           The Sunshine Canyon Landfill is important for the  
12 economic growth of the San Fernando Valley. Businesses  
13 and homeowners need a long-term cost effective method of  
14 trash disposal.

15           We don't solve the problem of eliminating the  
16 environmental impacts of a landfill by moving our trash  
17 out of the area, out of sight, out of mind.

18           There is no question that we need to find  
19 alternatives to landfills. These alternatives  
20 are recycling or waste minimization, of taking personal  
21 responsibility for what we're doing.

22           And also, if we have a landfill, we have to make  
23 sure that the public health is protected. Your staff can  
24 provide the requirements necessary in the permit to make  
25 sure that it is properly monitored, that the groundwater

1 is protected, and that the people in the area are properly  
2 protected.

3 VICA Board members have toured the landfill many  
4 times, and we are convinced that BFI runs a cost  
5 effective, environmentally sound landfill that will meet  
6 the trash disposal needs of businesses and residents of  
7 Los Angeles for the next quarter of a century.

8 We believe that there can be a permit that's  
9 issued with proper mitigation and proper monitoring  
10 techniques so that we can have a safe landfill that will  
11 provide for our needs.

12 As businesses we do not need to pay triple the  
13 cost. The environmental impacts will just simply move  
14 from one area to another. The increased air quality, or I  
15 guess the decreased air quality, because you're moving  
16 more diesel out of the area, the transportation issues,  
17 the noise issues.

18 So I please ask you, please support and give us  
19 more time, give BFI and the community more time to come up  
20 with viable alternatives.

21 Thank you.

22 BOARD CHAIR MOULTON-PATTERSON: Thank you. Mary  
23 Edwards, North Valley Coalition, followed by Ralph Kroy.

24 MS. EDWARDS: Before I begin I would like to  
25 respond a little to the last lady that spoke.

1           We realize that people look at their wallets and  
2   say, "Well this might cost a few dollars more," but when I  
3   hold the hands of someone dying in my community, this is  
4   far more persuasive to me than a few dollars spent to  
5   provide business with what they consider the very bottom  
6   line.

7           Now I'll begin my comments as I prepared them. I  
8   believe you have before you from our, my submission to the  
9   committee, the things that we talked about, the things  
10  that were out of your purview.

11          It seemed like you're very limited into what you  
12  can permit. And if the local agency comes to you with a  
13  permit, you are constrained to permit it since you have a  
14  record of never denying a permit ever.

15          And so this does not give us a great, happy, warm,  
16  cuddly feeling, because we feel that you should have that,  
17  you should be permitted, certainly, to deny permits.  
18  Because these are the things, the level of review that  
19  every community needs.

20          And when we went to the county, to the solid waste  
21  committee there, the task force, they said we don't have,  
22  it's not our responsibility, we can't review it, it is  
23  just going to be a dot on the map.

24          Well if you have such constraints on your Board  
25  that you have to accept a permit, then it is very hard for

1 us to say who does have the responsibility, and when will  
2 the public be heard?

3 Because it seems now that the permit lies within  
4 the purview of only the local enforcement agent, the LEA.  
5 And these things have been, in the past, a disaster.

6 Because an LEA, a malleable LEA with the  
7 permission of the proponent, or at the behest of the  
8 proponent, often brings in things that were never ever  
9 examined in the environmental impact report.

10 We're faced today with a JTD that is in complete  
11 conflict with what was approved during the EIR process.  
12 Now during that process people commented and they thought  
13 they knew what they were commenting on, and now suddenly  
14 it all changes. Ancillary facilities that they want to  
15 put in, and recycling facilities that they said they  
16 weren't even going to consider in the EIR. So we have  
17 these tremendous conflicts.

18 I think we need to return this to some level of  
19 public review, at least at the local level. This is what  
20 we're asking you to do is to return to the local level and  
21 say to the public, you can work with the LEA to put in a  
22 permit that is, will protect you, will protect you from  
23 the kinds of things that in this wind tunnel blow on top  
24 of us all the time, like contaminated soil or dredge  
25 soils, and all the other things that are certainly made

1 possible through the permit process.

2           These things need to be addressed locally, and we  
3 were just asking you for some time to say, return this to  
4 the city so that we can look at it. And the public at  
5 their last juncture can have an ability to respond to that  
6 permit with saying that these are the constraints that  
7 should be put on it.

8           And if necessary to protect the health and  
9 welfare. I mean it's obvious, as everyone has said today,  
10 that we have a real problem here. We're siting a landfill  
11 in one of the most seismically active areas in the United  
12 States, where the bridge has collapsed during the last two  
13 earthquakes, we're siting one where the water, you know,  
14 the water problems are enormous, as you've heard today.

15           I know that you're saying that you can't address  
16 these, and I'm sorry that you can't, and I'm sorry that  
17 it's solely the city, but at least, the very least you  
18 could do for us is give us back the ability to comment,  
19 give us the ability to comment at the local level by  
20 returning the permit to the city for a further review.

21           Thank you.

22           BOARD CHAIR MOULTON-PATTERSON: Thank you. Ralph  
23 Kroy, followed by Esther Simmons.

24           While Mr. Kroy is coming up, I did want to let you  
25 know that there's 24 more speakers. I would ask that you

1 try not to repeat because we do have limited time, but I  
2 did want to also acknowledge that there's over a hundred  
3 people in the audience.

4 Thank you.

5 Mr. Kroy.

6 MR. KROY: Thank you for the opportunity to speak  
7 before the Board. I'm speaking in opposition to the  
8 permit for the expansion of Sunshine Canyon Landfill. I'm  
9 speaking in opposition to the land water, district water  
10 treatment plant that services approximately seventeen  
11 million customers.

12 The water treatment plant is located about  
13 one-half mile downstream from the Sunshine Canyon  
14 Landfill, and it is where we, the concerned citizens, are  
15 doing this teleconference.

16 I will submit a copy of the aerial map of the  
17 area.

18 In the Board's strategic plan issued in 2001 it  
19 made the following commitments:

20 "Commitment to the environment and public safety.

21 "Commitment to environmental justice.

22 "Commitment to quality.

23 "Commitment to partnership and service.

24 "Commitment to the people."

25 And I'm sending a copy of this for your review.

1 We challenge you now to support the environment, public  
2 safety, environmental justice, quality, partnership and  
3 service, and the people. We are talking about the people  
4 here now and in the future, our families living here and  
5 the future families for generations to come.

6 The Board's attention is directed to the following  
7 considerations for review.

8 The landfill is in close proximity to the  
9 following:

10 The metropolitan -- pardon me, the Sampson  
11 Metropolitan Water Treatment Plant providing water to  
12 approximately seventeen million customers all over  
13 Southern California.

14 Van Gogh Elementary School.

15 The neighborhood of homes, families, and children.

16 Omelveny Park, the second largest park in the City  
17 of Los Angeles.

18 The busy 5 and 14 freeway interchange.

19 One of California's most seismically active areas.

20 And the windy mountain pass that the highway  
21 passes through connecting Los Angeles with cities to the  
22 north.

23 Further discussion. The landfill as proposed  
24 would be one of the largest landfills in the country,  
25 almost across the street and over 200 feet above the

1 largest water treatment plant in the United States.

2           The pioneers, those that survived, knew enough not  
3 to put the outhouse near the drinking water.

4           The early landfill does not have a liner. The  
5 newer parts do.

6           The landfill is in one of the California's  
7 seismically active areas, as witnessed by the 1971 and  
8 1994 earthquakes. And the severe damage that was done to  
9 the freeway interchange across the street from the  
10 landfill.

11           The expectations that a thin plastic liner will  
12 survive the onslaught of mother nature's extreme forces is  
13 a stretch bordering on negligent planning.

14           The landfill operator personally has a record of  
15 92 violations.

16           The nearby Simi Valley Landfill and Recycling  
17 Center, Ventura County, in the same period had none,  
18 zero. This is a record of BFI today.

19           The liners are now leaking. The questions are,  
20 who is going to man the pumps? For how long? And when  
21 does the leachate get into the water supply?

22           We are counting on your common sense, intelligent  
23 analysis, and commitment to your duty, and the citizens of  
24 the state, do not approve the expansion of Sunshine Canyon  
25 Landfill.



1 Thank you.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you. Ms.  
3 Simmons.

4 MS. SIMMONS: Good afternoon, my name is Esther  
5 Simmons, I'm a resident of Granada Hills and Chair of  
6 LASER. I'm here in opposition to the expansion of  
7 Sunshine Canyon.

8 CEQA requires public agencies to adopt mitigation  
9 measures and a plan to monitor those measures before  
10 projects are approved.

11 The City of Los Angeles in 1999 certified the SEIR  
12 for the expansion of Sunshine Canyon Landfill into the  
13 city. At the same time the city adopted the TNQ positions  
14 listed in the project.

15 When a master environmental impact report is  
16 prepared, CEQA requires a description of potential impacts  
17 of anticipated subsequent projects for which there is not  
18 sufficient information reasonably available to support a  
19 full assessment of potential impacts in the master  
20 environmental impact report.

21 Sunshine Canyon is a project that consists of  
22 smaller individual projects that have been carried over or  
23 will be carried out in phases.

24 I believe that the master EIR failed to address  
25 the potential adverse impact, as did the SEIR later on for

1 the city landfill.

2 With time, all impacts raise their ugly heads, and  
3 this is one that is not an exception.

4 Now that we know of its existence, it must be  
5 addressed prior to the construction of the city landfill.  
6 I am speaking about the clarifier on-site, and the  
7 boundaries of a landfill operation, and its impact on the  
8 residential area directly south of it.

9 In 1978 all California public agencies were  
10 required to adopt mandatory mitigations when CEQA adopted  
11 Section 21081 of the Public Resources Code. This code  
12 requires the appropriate public agency to find either the  
13 project in question has no significant adverse  
14 environmental impacts, either because they do not exist or  
15 because they will be mitigated to a level of  
16 insignificant.

17 Since the SEIR was certified in 1999 without  
18 addressing the potential impacts of the leachate  
19 discharged to the clarifier and into the residential sewer  
20 line, and since the community was not impacted until early  
21 2001, I believe CEQA has not been satisfied.

22 Nonetheless, the City of Los Angeles has placed  
23 a key condition that reads as follows:  
24 "Construct as necessary sewer facilities to the  
25 satisfaction of the city engineer."

1           BFI's response, "Not needed until the tenth year  
2 of operations. Submittal likely after five years of  
3 operation."

4           This is unacceptable. Under CEQA this mitigation  
5 measure would have to be implemented to reduce the adverse  
6 impacts to a level of insignificance. Since the impact  
7 was not addressed in the master EIR, it should have been  
8 addressed in the SEIR, considering that the clarifier and  
9 the residential sewer line have been in use since the  
10 beginning of the county operation. The impact will  
11 certainly increase the addition of another 5,500 tons of  
12 waste.

13           The odors at the time of discharge of the leachate  
14 to the clarifier and into the residential sewer line have  
15 been linked. The impact of these odors through the air is  
16 significant. They can only be described as rotten eggs or  
17 hydrogen sulfide, a putrid, nauseating smell. A thimble  
18 full of hydrogen sulfide or rotten eggs can be smelled in  
19 a theater full of air. Exposure to higher levels can  
20 irritate the eyes, nose,  
21 and lungs.

22           The frightening part about this gas is that  
23 extended exposure deadens the sense of smell. At this  
24 level you cannot rely on the sense of smell to decide if  
25 the gas is present.

1 Higher levels, of which you would now be unaware,  
2 cause dizziness, coughing, headaches, and affect your  
3 ability to breathe.

4 These odors have been reported to the AQMD from  
5 Van Gogh Elementary School north, and encompass the  
6 residential area affected.

7 The existence of the clarifier and pipeline should  
8 have been addressed as a potential adverse impact to the  
9 environment in the master EIR, and certainly in the SEIR.

10 The mitigation measure under T condition to  
11 construct sewer facilities must be implemented prior to  
12 construction, not in the tenth year as BFI suggests.

13 The approval of this permit to date is premature.  
14 It should be withheld until either the impacts or the  
15 mitigation measures are analyzed, or the construction of  
16 an independent facility has been undertaken, and the  
17 clarifier and pipes have been removed from the buffer zone  
18 and placed within the boundaries of the landfill  
19 operation.

20 You as a public agency along with the EPA are  
21 required to follow the intent of the legislature in a  
22 single statute to protect the environment.

23 That is what we're asking you to do today, deny  
24 the permit or return it to the local LEA so that this can  
25 be properly addressed.

1 Thank you very much.

2 BOARD CHAIR MOULTON-PATTERSON: Thank you.

3 Francis Navickas.

4 MR. NAVICKAS: Dear Board members, my name is  
5 Francis Navickas, I've been a member of the Granada Hills  
6 community for some forty years. I wish to voice my strong  
7 opposition to the granting of this permit.

8 The landfill at Sunshine Canyon was permitted to  
9 legalize illegal dumping that was taking place in a  
10 convenient canyon. It was a small operation, separated by  
11 the ridge line of the Santa Susana's from the growing  
12 residential community that bought homes, unaware of its  
13 existence.

14 When BFI took over in '78, things began to change  
15 rapidly. Trash started to arrive from distant  
16 municipalities. Their operating permit, which estimated  
17 3,000 cubic yards daily, was ignored. And by the mid 80's  
18 they were taking in, by their own estimates, 30,000 cubic  
19 yards daily. But even this was only their guess since  
20 they had no scales.

21 The hours of operation listed on their permit were  
22 meaningless. Both boundaries and heights were exceeded  
23 with devastating consequences in human terms.

24 When these runaway increases are allowed, and when  
25 operators are allowed to ignore the conditions of their

1 permit, the impacts devastate the adjacent neighborhoods.

2           In our case, the canyon winds blew and the skies  
3 turned brown with dust. The dust storms made it seem as  
4 if our hills were on fire, and our children went to bed  
5 coughing.

6           On warm summer nights you made excuses to your  
7 guests for the noxious odors, and closed all your windows  
8 knowing that these gases that we smelled contained benzene  
9 vinyl chloride and other carcinogens or teratogens. You  
10 worried.

11           Our complaints were dutifully recorded, but  
12 nothing changed, and no one seemed to have the power to  
13 enforce, until an independent, full-time inspector was  
14 required to be on this site.

15           Now the inspectors have given out 91 violations in  
16 the past three years. This is a dismal record. When the  
17 operations moved into the county, one and a quarter

18 miles further away, things improved to some  
19 extent. But recently, water violations have resulted in  
20 noxious odors again being discharged into the community.

21           The proposal before you will begin to bring this  
22 landfill back into the heart of the neighborhood where the  
23 most egregious violations occurred. This is a tragedy  
24 waiting to happen.

25           There is simply not enough time today to recount

1 the record of violations and the frustration that the  
2 community has felt, as they have seen and continue to see  
3 a protraction of violations and no proper fines or  
4 accountability demanded of the operator.

5           The operators and many LEAs opine that they need  
6 flexibility, we believe they need accountability. When  
7 operators are allowing to consistently "cure" violations  
8 without penalties, and change the condition of their  
9 permits at the behest of the operator, it translates into  
10 disaster for the adjacent neighborhood.

11           Thank you.

12           BOARD CHAIR MOULTON-PATTERSON: Thank you.

13           Patricia --

14           MR. SIMPSON: Madam Chair.

15           BOARD CHAIR MOULTON-PATTERSON: Yes.

16           MR. SIMPSON: Madam Chair, we have a change-up  
17 here, we have a fourth grader named Justin who would like  
18 to address you, and we'll take him now if you don't mind?

19           BOARD CHAIR MOULTON-PATTERSON: Okay.

20           MR. SALETTA: Hello, I'm Justin Saletta.

21           BOARD CHAIR MOULTON-PATTERSON: Welcome. Thank  
22 you for being here.

23           MR. SALETTA: Thank you. Hello. My name is  
24 Justin Saletta, and I am here to ask you to deny the  
25 permit. I live on the Van Gogh Street, and I go to the

1 Van Gogh School. And if the dump opens it will be very  
2 dangerous for my family and my neighbors.

3 Thank you.

4 BOARD CHAIR MOULTON-PATTERSON: Thank you,  
5 Justin. We appreciate you being here and speaking to us.

6 MR. SIMPSON: And this is Patricia.

7 MS. JAERGO: Hello, my name is Patricia Jaergo. I  
8 come on behalf of all the employees of BFI and their  
9 families.

10 I'm here to let you know that we provide service  
11 for our community. We take about 36 tons a week of  
12 tonnage and help out all the residents and the business.

13 We run a clean operation. We try to -- they are  
14 on the books.

15 And my personal note I will, I would like to know  
16 that my job be there tomorrow for me and my, and all the  
17 employees that work with us.

18 BFI has always been a really good employer for us,  
19 good benefits. The management has always been there for  
20 us.

21 I believe that I would like you to see that these  
22 will be okay, and you give us the permit so you can be, we  
23 can be continue working there.

24 I been there for seven years and I never had  
25 really have any problems. My kids play right here in



1 Granada Hills. They play soccer, and we never have any  
2 problems with that or anything like that. They've been  
3 playing there for five years, we share the field right  
4 here.

5 I don't really see as many problems as has been  
6 indicated today.

7 Thank you for listening to me.

8 BOARD CHAIR MOULTON-PATTERSON: Thank you.

9 Is this Cherrill Mann?

10 MS. MANN: My name is Cherrill Mann, I live in  
11 Granada Hills. Thank you for the opportunity. I  
12 understand that this is an extraordinary moment in your  
13 history in that I heard that you have never turned down a  
14 permit.

15 Allow me to substantiate why you ought to make  
16 history. Los Angeles owns only fifteen percent of its own  
17 water. We buy 60 percent, and we pray for the other 25  
18 percent.

19 The Sunshine Canyon dump will become the largest  
20 in the world, and will sit right on top of that precious  
21 or just below, I'm not sure what the logistics, of that  
22 precious 50 percent of water.

23 Omelveny Park is the second largest, and only one  
24 of ten major parks in Los Angeles. The Sunshine Canyon  
25 dump, which will be the largest in the world, abuts this

1 park, and in some places looms over it so the debris and  
2 dust and filth blow into it.

3 Across the street from this largest dump in the  
4 world lies one of the largest and still only open  
5 reservoirs where the water has already been treated and is  
6 ready to brush the teeth of twelve million Angelinos with  
7 the twist of their tap.

8 However, earlier in the day seagulls and birds  
9 have been swooping into the dump for a snack. Being  
10 meticulous, they spy the open reservoir and swoop down for  
11 a wash. It could account for that little tang in our  
12 water now and again.

13 All other reservoirs have been, I believe,  
14 enclosed, but apparently because this is so large the  
15 logistics have not been formed to close it.

16 Unregulated materials found that were radioactive  
17 from medical sources and biohazard related materials found  
18 were not removed. Windy days blow this around the  
19 neighborhood.

20 Van Gogh Elementary School is downwind, and their  
21 lunch tables often have the dust and residue from flying  
22 debris from the dump.

23 We are a wind tunnel here. Granada Hills has  
24 commonly 60 mile an hour winds. Many a neighbor has found  
25 and has bagged pounds of people's bank account

1 information, school papers, food wrapping from their  
2 backyards. Drive south on the 5 and the result from the  
3 dump is famous.

4 We need a health study. No substantiated or  
5 proven yet, but there are cancer clusters all around.  
6 Sometimes whole streets have one in every home.

7 This is earthquake country. The mountain roads.  
8 This last one, no liner can sustain shift and pull without  
9 tear, particularly over time.

10 Remember our water is right there. In an IPWP  
11 meeting, Judith Wilson stood up and said the Sunshine  
12 Canyon dump would be closed. In the L.A. Times today she  
13 said it's just too expensive. Too expensive for the  
14 health of twelve million or however million people live  
15 here? I guess this is how we will accommodate the  
16 overwhelming growth protection for 2020, we'll knock off  
17 the first twelve million to make room for the population  
18 moving in. I know that's an extreme, but it's  
19 frightening.

20 In lethal places like Love Canal, New York,  
21 McFarland, California, Hinckley, California, that was  
22 business that caused atrocities by business.

23 You are the government whose knowledge, vision,  
24 wisdom we trust to protect our cities. I beg you, make  
25 history, call upon the best of yourselves, deny permits to

1 Browning-Ferris Industries for the moment. Disable their  
2 plan to open the city side of the Sunshine Canyon  
3 Landfill. You will find a better way. We will help you.  
4 We believe it's possible.

5 Thank you.

6 BOARD CHAIR MOULTON-PATTERSON: Thank you, Ms.  
7 Mann.

8 At this time we're going to take a short break for  
9 our court reporter.

10 I do want to apologize, the Governor has called a  
11 meeting today at 5:00 p.m. on the eve of the May revise of  
12 the state budget, and he has required that I attend.

13 I will be leaving you in the capable hands of our  
14 Vice Chair, Mr. Jose Medina.

15 But at this time we'll take a ten minute break for  
16 the court reporter.

17 Thank you.

18 (Thereupon there was a brief recess.)

19 BOARD VICE CHAIR MEDINA: Okay. This session is  
20 reconvened and we will continue to take public testimony  
21 until such time as we have heard all of the speakers.

22 Upon conclusion of public testimony we will then  
23 open it up for Board deliberation and Board discussion and  
24 Board questions.

25 And then at such point we will move to a vote on

1 this matter.

2           Again, I'm Jose Medina, I'm the Vice Chair, I'm  
3 taking over from our Chair Linda Moulton-Patterson who was  
4 called over to the Governor's office. She hopes to return  
5 in time for the Board deliberations and the Board vote.

6           Our speaker at the moment is Nancy Hoffman.

7           And again, Ms. Hoffman, we want to thank you for  
8 your patience in waiting for us during this break. So if  
9 you would like to begin your testimony.

10           MS. HOFFMAN: Great. Thank you very much. I'm  
11 here today representing the Mid-Valley Chamber of  
12 Commerce, I'm the CEO.

13           But also after listening to a lot of the testimony  
14 I need to address something separately because I am a  
15 cancer survivor. I don't live that close to the landfill,  
16 I probably live about eight miles away, but two very close  
17 friends of mine also have cancer and they don't live near  
18 the landfill.

19           Cancer's ugly reach is not limited to areas that  
20 have landfills or other areas that are challenged  
21 environmentally. It can reach and it does reach every  
22 community and every city.

23           And as a cancer survivor it upsets me greatly to  
24 hear people are using that as a tool to sway opinion.  
25 Because cancer is just a horrible, horrible thing to have

1 no matter where you live. And I really wish people would  
2 please not do that, because it's nothing you want to have  
3 for your friends or your family.

4 But on behalf of the Mid-Valley Chamber, I want to  
5 tell you that we do support the expansion of BFI Sunshine  
6 Canyon Landfill.

7 The landfill has served the entire San Fernando  
8 Valley and adjacent regions from its location in the north  
9 San Fernando Valley for the general benefit of the  
10 community at large.

11 The expansion project is in a canyon that was used  
12 for a year, and it was closed in 1991 due to expiration of  
13 the zone variance. The existing infrastructure is already  
14 in place to expand the current county landfill to join the  
15 closed city landfill.

16 The expansion would provide cost effective,  
17 short-lived, and long term solid waste disposal capacity  
18 for residences and businesses within Los Angeles County,  
19 while minimizing transportation costs and impacts.

20 Development of this expansion is necessary in  
21 order to provide needed solid waste disposal capacity for  
22 the residents living within the City and County of L.A.

23 Currently in Los Angeles County approximately  
24 36,000 tons of solid waste are disposed of in landfills  
25 each day. All recyclable materials are taken out of the

1 stream.

2 Available landfill space within the Los Angeles  
3 area is rapidly diminishing due to the closure of existing  
4 landfill facilities.

5 The development of the Sunshine Canyon Landfill  
6 expansion will help to provide waste disposal capacity for  
7 the city and county for the next twenty years.

8 The Sunshine Canyon Landfill expansion will be  
9 operated as a Class III non-hazardous solid waste  
10 landfill. No liquid, hazardous, radioactive, or  
11 infectious medical waste will be accepted.

12 The existing Sunshine Canyon Landfill offers  
13 proven experience operating as a safe and sanitary solid  
14 waste landfill.

15 The city expansion would be designed and operated  
16 with the same state-of-the-art environmental protection  
17 control systems strictly monitored operations.

18 The project would also provide both the city and  
19 County of L.A. with needed solid waste disposal capacity  
20 at a time when many solid waste landfills are being forced  
21 to close.

22 The proposed project would also limit  
23 environmental impacts by developing a landfill on an  
24 already previously used site for landfill operations.

25 The development of Sunshine Canyon would not force

1 the city or county to develop solid waste operations in  
2 undisturbed canyon areas.

3 For these reasons we urge your support for the  
4 Sunshine Canyon Landfill expansion.

5 BOARD VICE CHAIR MEDINA: Thank you, Ms. Hoffman,  
6 for your testimony.

7 The next speaker is Anne Ziliak.

8 MS. ZILIAK: I'd like to begin by saying that I  
9 want to, I oppose the expansion of this landfill.

10 A number of years ago at a roundtable that was  
11 organized by the community and presided over by Scott  
12 Wildman and then Assembly speaker Antonio Villargosa, many  
13 concerns and complaints were heard regarding Sunshine  
14 Canyon Landfill.

15 What we found out from that roundtable was that  
16 many of the agencies involved in oversight of this  
17 landfill had little or no knowledge of what the other  
18 agency was doing. And because of that we pushed for an  
19 audit and we were granted that audit.

20 And several of us, to get that audit we took a  
21 trip to Sacramento to voice our concerns to all of the  
22 Assembly members and Senators involved.

23 And the audit was approved. And what it called  
24 for was areas of reform to be made. And there were many  
25 suggestions and recommendations. And unfortunately, still



1 to this time the recommendations have been ignored.

2 One example of this is the PEP policy, or the  
3 permit enforcement policy. That permit enforcement policy  
4 was put into place originally to bring landfill operations  
5 into compliance. Landfill permits that were so loosely  
6 regulated that they were meaningless.

7 And we urge you to please make those changes that  
8 the state auditor suggested. And until you make these  
9 changes, there's no way that we can truly reform the  
10 system and protect communities like ours that suffer.

11 I encourage you to please not allow this expansion  
12 because there are many unanswered questions.

13 And as the speaker before me was talking about  
14 cancer, I think the community's main concern there is that  
15 a health study be done. And if it was proved that the  
16 landfill didn't cause that, that's great, and I'm sure the  
17 community would be very happy about that. But I think the  
18 idea is that a health study needs to be done, and we've  
19 been' saying that for many years. And whether it's from  
20 the landfill or not, let's find out.

21 Thank you.

22 BOARD VICE CHAIR MEDINA: Thank you. The next  
23 speaker is Gus Montes.

24 MR. MONTES: Correct. Thank you, Mr. Chairman.  
25 I'm a resident for 25 years. I live four blocks from the

1 base of the hill opposite the landfill. And through some  
2 unknown reason I thought that water was coming up  
3 underneath my house. It was actually pushing through the  
4 foundation.

5 I live right at the where, rather where a stream  
6 was rerouted or changed. And I had the DWP, the  
7 Department of Water and Power come over, and they tested  
8 the water, they said it wasn't their water, there was no  
9 broken pipe, because I'm talking about a lot of water, and  
10 they said that I should have it tested on my own because  
11 it has something in it. And also you're going to have to  
12 put in some French drains.

13 Well it was cheaper for me to build the French  
14 drains at that time. The, that was around 1993 when I had  
15 that done.

16 I, the Water and Power did not want to give me any  
17 paperwork on it, they just said go someplace else and have  
18 this done.

19 So I went ahead and built these French drains they  
20 call 'em. And that brought the level down which the level  
21 was, is enough to where it doesn't push up on the  
22 foundation anymore.

23 Now this has been this way for ten years. I mean  
24 the water is still coming out those pipes all the time, it  
25 just, it's just, the flow is continuous.

1 I would like the third or another organization to,  
2 I hope BFI pays for it, and test this water and see if it  
3 doesn't, if it's not tainted with something that is  
4 toxic. I really think it is.

5 In fact, I think that we're, the entire Granada  
6 Hills area over here, it's underneath our feet and that's  
7 why everybody is getting sick. And I moved away from  
8 Monterey Park Landfill because I couldn't stand the  
9 smell. Well up here it's the same thing.

10 Thank you. That's all.

11 BOARD VICE CHAIR MEDINA: Thank you, Mr. Montes.

12 And the next speaker is Jerry Piro followed by  
13 Sister Carmel Somers.

14 MR. PIRO: Hi, I'm Jerry Piro of the East Valley  
15 Coalition.

16 I think that overkill is way too much, whether it  
17 be Sunshine Canyon or Bradley dump. The people over here  
18 are in the same situation we are, in the community  
19 surrounded by dumps that are growing larger and larger,  
20 they never seem to get enough of their expansion.

21 And what really bothers me is that, the title  
22 California Environmental Protection Agency. I've seen  
23 this city locally as well as the state, the words  
24 environmental protection to me means protecting our  
25 environment, protecting the people that live in it.

1           And I've seen this, I'm seeing that an agency has  
2 never been denied a permit, never has denied a permit to  
3 anyone, what is the function? We've got to, we've got to.

4           If the laws don't permit it, then they should be  
5 changed, because this is not right. If you're going to  
6 protect us, then protect us, but stop using the title.

7           Thank you.

8           BOARD VICE CHAIR MEDINA: Thank you, Mr. Piro.

9           And the next speaker is Sister Carmel Somers  
10 followed by Flip Smith.

11          MS. SOMERS: Yes, thank you very much for  
12 entertaining my remarks. I am the administrator of Valley  
13 Family Center in the city of San Fernando.

14          And at this time I want to express that we see the  
15 need for the expansion of Sunshine Canyon Landfill, and so  
16 we support the expansion.

17          We are aware that it would take three trains a  
18 mile long each 24 hours to load and travel to take the  
19 trash to the other locations that have been identified as  
20 possibilities for its reception, primarily in one of the  
21 most pristine areas of our environment, in the desert.

22          Our question is, what is the real alternative to  
23 this expansion at this time? We see that there is no plan  
24 now for the safe transportation of our trash.

25          As an agency serving the people of the area, we

1 are fully committed to supporting every effort possible  
2 that can be made in the reduction of the amount of trash  
3 that we generate within the City of Los Angeles and  
4 surrounding areas so as to ensure that the health  
5 of all our resources, both human and otherwise, can be  
6 protected.

7 We commend the efforts of BFI and the City of Los  
8 Angeles to ensure that the landfill has implemented  
9 state-of-the-art pollution prevention safety measures.  
10 However, we also realize that this expansion is merely a  
11 short-term solution until the landfill is full once again.

12 We earnestly ask that BFI work diligently with the  
13 City of Los Angeles if finding ways to further reduce home  
14 trash, and to initiate mandatory trash sorting for  
15 businesses, especially in the areas of paper and plastic.

16 Thank you.

17 BOARD VICE CHAIR MEDINA: Thank you, Sister.

18 Flip Smith, followed by --

19 MR. SMITH: Thank you, Chairman. My name is Flip  
20 Smith. I've grown up in the San Fernando Valley. I've  
21 had a business here in Van Nuys for over thirty years.  
22 During that time I've seen a lot of increases in the cost  
23 of doing business.

24 I know I learned a lot about hazardous waste today  
25 and toxic waste and dumps, but I do know a lot more about

1 economics than I do about hazardous wastes.

2 I know my health insurance and my employees has  
3 sky rocketed. I know my workmen's comp costs have gotten  
4 outrageously high. I know the cost of doing business is  
5 constantly increasing. I'm getting surtaxes on fuel for  
6 people who bring in my products, I'm getting

7 building and safety and permit fees constantly to  
8 inspect. I'm having the police no longer respond to  
9 burglar alarms so I have to pay special response fees.

10 The annual cost to me to discard my waste has been  
11 thousands of dollars. My trash hauler tells me this could  
12 double or even triple. It's just another nail in the  
13 coffin of business, and we can't afford to have more of  
14 these. I can't pass these costs onto my customers, I  
15 become non-competitive.

16 I should be at work right now running my store.  
17 I'm here because I believe that I'm probably one of the  
18 few businesses that could break away and come here to  
19 speak to you about this cost.

20 We would just like to try and put a lid on it as  
21 an alternate source. If you'd keep Sunshine open we'd  
22 appreciate it.

23 Again, thank you for your time.

24 BOARD VICE CHAIR MEDINA: Thank you, Mr. Smith.

25 Ed You followed by Kim Thompson.

1 MR. YOU: Again my name is Ed You. And I am a  
2 clinical pharmacist with 27 years of hospital experience,  
3 and I'd like to address you about several health issues.

4 The language provided by the current permit for  
5 the county reads as follows:

6 "No medical waste as defined as follows in Chapter 6.1 of  
7 the Health and Safety Code, shall be deposited on site."

8 Let me repeat that.

9 "No medical waste, as defined as follows in  
10 Chapter 6.1 of the Health and Safety Code, shall be  
11 deposited on site."

12 "However, if medical waste is discovered at the  
13 working face, the operator shall prudently attempt to  
14 determine its origin, then expeditiously bury the material  
15 within the current day's disposed municipal waste."

16 A reading of this code shows that these  
17 materials include,

18 "Laboratory waste, human and  
19 animal specimen cultures, cultures and  
20 stocks of infectious agents from  
21 research and industrial labs, wastes  
22 from the production of bacteria, viruses,  
23 or use of spores, discarded live and  
24 attenuated vaccines.

25 "Human surgery specimens or

1 tissues removed at surgery or autopsy,  
2 which are suspected of being contaminated  
3 with infectious agents known to be  
4 contagious to humans.

5 "Animal parts, tissues or fluids  
6 Suspected of being contaminated with  
7 agents known to be contagious to humans.

8 "Blood from humans and known to be  
9 infected with diseases: Excretion, exudate,  
10 or secretions from humans who are required  
11 to be isolated by the infectious control  
12 staff at a hospital," and on and on.

13 "Under no circumstances should this highly  
14 infectious waste ever be buried with the daily trash."

15 It was a former regulation that required,

16 "When toxic or infectious materials were  
17 discovered, they would be isolated and removed from the  
18 site for proper disposal at a hazardous waste facility."

19 This has become an ongoing problem since 1996  
20 until the present. All of this waste has gone into the  
21 landfill and, in spite of the inspectors' calls to those  
22 empowered to open red bag waste.

23 These agencies opine that they do not have enough  
24 inspectors to respond, and the inspector is not empowered  
25 to open these bags so they end up in the dump.



1           We need to clarify the handling of this material  
2 through a more tightly rewritten JTD.

3           And on a separate note I would like to say that  
4 I'm appalled that these businessmen and Chambers of  
5 Commerce are putting their profit margins above our  
6 health. It's disgusting.

7           Considering cancer. This area suffers from cancer  
8 clusters. Everyone knows Mary Edwards. Mary Edwards,  
9 five properties around her house have incidences of cancer  
10 in them. Streets which comprise twenty homes have twelve  
11 of those homes suffering from cancer. We're not talking  
12 about random cancer distribution here, we're talking about  
13 clusters.

14           Also, don't forget that local cats are also dying  
15 of cancer, and often very overlooked.

16           Vinyl chloride benzene and diesel particulate  
17 emissions from trucks are proven carcinogens and also as  
18 are landfill gases.

19           Thank you.

20           BOARD VICE CHAIR MEDINA: Thank you, Mr. You.

21           Kim Thompson followed by our last speaker Robin  
22 Navickas.

23           MS. THOMPSON: Hi, my name is Kim Thompson, and  
24 I'm a Commissioner for the Environmental Affairs  
25 Department of the City of Los Angeles, the LEA.

1           My commission never got to see this permit as we  
2 are considered to be advisory only. The real truth is  
3 that the permit is done with BFI operatives, and their  
4 input is considered more important than ours.

5           Nobody is reviewing this permit, not the county,  
6 not the community, nobody except for the Environmental  
7 Affairs Department.

8           The community has given excellent suggestions, but  
9 only a few of them were incorporated into the permit.

10          I don't know if you have the power to deny the  
11 permit, but I would ask that it be returned again for  
12 further scrutiny, so that the mayor can have the  
13 Environmental Affairs Department allow the commissioners  
14 to see it and have public comment to give input to the LEA  
15 since the joint technical document is very different than  
16 the EIR that was originally approved.

17          This project is far too big to disallow public  
18 comment at the city level. And there has been community  
19 outrage since the date of the expansion, December 8th of  
20 '99. And I don't think it's going to go away soon by the  
21 looks of the crowd in the next room.

22          There are numerous alternatives that nobody has  
23 mentioned. The Sister, I have to correct, Los Angeles  
24 only produces 4,500 tons of trash, and that would be one  
25 train.

1           There are numerous alternatives. The county has  
2 recently closed escrow on Mesquite Canyon which can be  
3 used to rail haul the trash after it's been burned. Which  
4 is another thing that no one here has mentioned, that the  
5 North Valley Coalition has proposed over and over, that  
6 all trash should go through a material recovery facility  
7 first before it goes to a landfill so that all the  
8 recyclables are pulled out.

9           Thank you.

10           BOARD VICE CHAIR MEDINA: Next speaker Robin  
11 Navickas followed by J. Richard Leyner.

12           MR. LEVEILLE: My name is Robin Navickas. I've  
13 live in Granada Hills for forty years.

14           Dear Board members: I strongly object to the  
15 issuance of this permit. Communities have worked  
16 diligently through the EIR process to establish conditions  
17 and mitigations that they believe will protect them. It  
18 is devastating to learn that enforcement of these  
19 conditions can be protracted, or

20           even changed, at the convenience of the operator  
21 with only the agreement of a malleable LEA.

22           The EIR's analysis of impacts from trucks and  
23 other pollution sources were quantified and based on  
24 daily intake. These are rendered meaningless when these  
25 figures change. By adding to the joint technical

1 document, descriptions of expanded operations, the figures  
2 and impacts discussed in the EIR are rendered meaningless.

3           The operators are constantly demanding an  
4 opportunity to cure, but the cure too often becomes a  
5 chronic condition. We ask that the conditions of the  
6 permit be strictly enforced and all changes be publicly  
7 reviewed.

8           We urge you to hear from those who live beneath  
9 the landfill and those whose health and quality of life  
10 are in your hands.

11           The current permits and policies as written are so  
12 full of large loopholes that trash trucks can drive  
13 through them without even downshifting.

14           Please ask that the LEA be given time to work in  
15 the community to strengthen the permit to avoid the  
16 suffering that has been inflicted on this community in the  
17 past.

18           Thank you.

19           BOARD VICE CHAIR MEDINA: Thank you, Ms. Navickas.

20           J. Richard Leyner, followed by Elias Ramirez.

21           MR. LEYNER: Good evening. Thank you for giving  
22 me the opportunity to address you on behalf of the United  
23 Chambers of Commerce in San Fernando Valley.

24           Over two years ago we took a vote and decided that  
25 it's in the best interest of business in this valley to

1 continue the use of Sunshine Canyon.

2           The Sunshine Canyon Landfill is important to the  
3 economic growth of the San Fernando Valley. Businesses  
4 and homeowners need a long-term, cost effective method of  
5 trash disposal.

6           The Sunshine Landfill proposal calls for a joining  
7 of the currently operated county landfill with landfill in  
8 the city-owned portions of the canyon.

9           If the city chooses to take trash to a different  
10 location, most of the city's trash trucks would increase  
11 air pollution and freeway traffic throughout the valley  
12 and the greater Los Angeles area.

13           In recent years many landfills in the Los Angeles  
14 area have closed, but Sunshine Canyon could be the most  
15 logical and cost effective way available for the city to  
16 handle the shortage.

17           BFI has demonstrated that for it's a safe and  
18 responsible operator. The county portion of the landfill  
19 has operated trouble-free since opening in 1996.

20           Through its operation of the landfill and support  
21 of the local programs, BFI has shown it is a responsible  
22 and caring member of our community.

23           The Sunshine Canyon Landfill proposes a clean,  
24 safe, and logical continuation of an existing landfill.  
25 Therefore, we favor the opening and the expansion of the

1 landfill.

2 Thank you.

3 BOARD VICE CHAIR MEDINA: Thank you, Mr. Leyner.

4 Elias Ramirez.

5 MR. SIMPSON: Last speaker unless any other ones  
6 are handed in.

7 BOARD VICE CHAIR MEDINA: Elias Ramirez.

8 MR. RAMIREZ: Thank you for letting me speak. I  
9 just moved here about six months ago, and I did know there  
10 was a dump nearby, but I wasn't aware of the impacts of  
11 that dump or possible health impact of that dump. I  
12 didn't know that they were planning to expand it.

13 I have a daughter, she's ten months old this  
14 month, and I don't want her to become sick. I realize  
15 that we have two different sides here. One side is the  
16 business side, the people who want to make money. And  
17 then we have the community side, the people who want to  
18 live here.

19 I'm one of the people who want to live here, and I  
20 want my daughter to live here, and I want my wife to live  
21 here. And I'm opposed to this dump. And I really wish  
22 that you'd consider sending them straight to hell.

23 I don't know what else to say. I didn't have a  
24 prepared statement. But I really, really, really wish you  
25 will consider the health and the livelihood of the people

1 who live here and the kids that go to school

2 here. My daughter will go to school here.

3 That's all I really have to say. Thank you for  
4 your time.

5 BOARD MEMBER PEACE: Thank you, Mr. Ramirez.

6 And based on the slips that I have, that was our  
7 last speaker at that site.

8 We do have some speakers here in Sacramento,  
9 persons who have been patiently waiting to take their turn  
10 at the mike. So unless there are any further speakers at  
11 that location, I will call on Mr. Joe Simonion who is a  
12 speaker located here in Sacramento.

13 So Mr. Joe Simonion here? And he will be  
14 followed by Ms. Theresa Dodge.

15 MR. SIMONION: Honorable Chairperson, can you hear  
16 me?

17 BOARD MEMBER JONES: Push the button.

18 MR. SIMONION: Honorable chairperson, esteemed  
19 Board members, I'd like to talk to you about a serious  
20 solid waste issue.

21 My name is Joel Simonion, and I'm here to speak in  
22 support of the expansion of the landfill. Should I  
23 continue?

24 BOARD VICE CHAIR MEDINA: Yes, please do.

25 MR. SIMONION: Honorable chairperson, esteemed Board

1 members, I'd like to talk to you about a serious -- oh,  
2 I'm sorry.

3 EXECUTIVE DIRECTOR LEARY: Not your fault.

4 MR. SIMONION: Can you hear me now?

5 See I felt more comfortable at that one because it  
6 was shorter.

7 (LAUGHTER.)

8 MR. SIMONION: Honorable chairperson, esteemed  
9 Board members, I'd like to talk to you about a serious  
10 solid waste issue, the Sunshine Canyon Landfill and the  
11 City of Los Angeles.

12 But before I get into my presentation I'd like to  
13 share something that I experienced recently when picking  
14 up a phone call from a terrified multi-family manager in  
15 response to a situation.

16 What had happened was the BFI Sunshine Canyon  
17 Landfill had one more time closed at 8:00 o'clock or 8:30  
18 a.m. It was the second day that they experienced the  
19 early closure, so the trash was backing up in our  
20 multi-family complexes. The trash had piled from the bin  
21 all the way up to the second story through the chute.

22 The kids within the building, and the only reason  
23 why I mention this is because children have been  
24 referenced several times by people testifying. The  
25 children were opening the doors to the trash chutes and



1 pulling the trash out of the trash chutes. It was going  
2 into the hallways of the apartment buildings and they were  
3 playing with the trash.

4 This is a very, very, very serious issue. We are  
5 in desperate need of more landfill capacity at  
6 multi-family complexes throughout Los Angeles.

7 American Waste currently services over 6,000  
8 multi-family complexes throughout Los Angeles. I can be  
9 the first to tell you without any hesitation that  
10 recycling will not solve the landfill problem or the trash  
11 output coming from the multi-family complexes.

12 We have a lot of experience. We own and operate  
13 two recycling facilities, one of which services the  
14 apartment complexes, and at best we're going to achieve a  
15 25 percent diversion rate of municipal waste through  
16 recycling programs at multi-family complexes. That's just  
17 the way it is.

18 Unless you were to implement a dirty MRF'y  
19 methodology throughout the multi-family sector in Los  
20 Angeles, you probably would not achieve the recycling  
21 needed to eliminate the landfill.

22 This is a summary of a letter I sent the  
23 chairperson on April 27th, 2003, and I hope that you all  
24 received a copy of it. If not, I can also send a copy to  
25 you.

1           There is --

2           BOARD VICE CHAIR MEDINA:  If you would sum up,  
3 please, Mr. Simonion, you have 30 seconds left.

4           MR. SIMONION:  I have 30 seconds left?

5           BOARD VICE CHAIR MEDINA:  And I've let the clock  
6 run giving you additional time as it was --

7           MR. SIMPSON:  Essentially what we need to see  
8 happen is that during the interim a solution be  
9 implemented, and that would be the expansion of the  
10 landfill.

11           I am not an advocate of just opening landfills.  
12 However, unless you have an alternative solution in place,  
13 whether it be incineration, whether it be MRF'g, whether  
14 it be some type of processing to eliminate the need for  
15 landfiling, we need to have landfills.

16           Thank you.

17           BOARD VICE CHAIR MEDINA:  Thank you, Mr. Simonion.

18           And our next speaker will be Theresa Dodge.

19           And that will conclude our speakers for the day,  
20 and then we will then open it up for Board discussion.

21           MS. DODGE:  Good afternoon.  I am Theresa Dodge  
22 with the Los Angeles County Sanitation District, and I  
23 will be brief.

24           I'm not here to speak on the specifics of the  
25 permit before you but within the context of solid waste

1 management as a whole.

2           This project has long been identified in the Solid  
3 Waste County Management Plan. It serves an integral part  
4 of the programs being employed by both public and private  
5 management organizations to meet the  
6           solid waste needs of Los Angeles County  
7 residents. These programs include diversion, recycling,  
8 and disposal.

9           In particular, this, the capacity represented by  
10 this permit is needed to provide for safe and adequate  
11 refuse disposal in L.A. County while we make the  
12 transition to remote disposal.

13           We urge your concurrence with the permit before  
14 you.

15           Thank you.

16           BOARD VICE CHAIR MEDINA: Thank you, Ms. Dodge.

17           And that will conclude our testimony on this  
18 matter today. And I want to thank all of the persons that  
19 showed up to testify on this matter. And at this point I  
20 will open it up for Board discussion and deliberation.

21           And our first Board member to address this subject  
22 will be Board Member Jones.

23           BOARD MEMBER JONES: Thank you, Mr. Medina.

24 Thanks. It keeps changing.

25           I did want to ask Mr. Simonion a question if

1 that's okay?

2 BOARD VICE CHAIR MEDINA: Please feel free to do  
3 so.

4 MR. SIMONION: If you could do this, if you could  
5 come back up just for a quick second, I'm going to start  
6 asking the question as you get here.

7 I don't know your whole area or where you pick up  
8 in L.A., but I do want to know what you do when Puente  
9 Hills closes at 10:00, and Sunshine closes early, what is  
10 the routine? I mean you gotta pick up your garbage. Do  
11 you start calling around looking for capacity? What do  
12 you do?

13 MR. SIMPSON: Well unfortunately, unfortunately  
14 since in our case the majority of our waste stream is in  
15 Los Angeles, so unless we choose to illegally dump it at  
16 the Puente Hills Landfill, we don't utilize that landfill.

17 So in answer to your question, what happens is is,  
18 you're right, we pick up the phone and we begin calling  
19 around to all of the transfer stations.

20 But on this particular day what had happened was  
21 that the BLT transfer station who we worked with in Los  
22 Angeles was at capacity. And they normally need to know a  
23 day or two in advance before we bring them a surge of our  
24 waste.

25 So we had to send a truck from the valley, so it

1 was a valley apartment building, it was in Van Nuys, all  
2 the way down to Southgate. And the Southgate scale  
3 masters were about ready to refuse allowing us to dump  
4 because they had long lines of refuse coming from  
5 Southgate and all of the south bay cities.

6 So it was a real dilemma. We had the trucks  
7 sitting for about two hours trying to find a place to dump  
8 it.

9 BOARD MEMBER JONES: Thank you. Thanks. I  
10 appreciate it.

11 Mr. Chair, I bring that up because we talked about  
12 truck traffic, and we talked about those kinds of things.  
13 And I think one of the issues in L.A. County that needs to  
14 be really looked at is the amount of truck traffic that is  
15 generated when the flags go up that these facilities are  
16 shut down.

17 I think I'll save the rest -- well, I will, I am  
18 going to say one thing. We've been to this site plenty of  
19 times. There were people there that testified, that  
20 questioned what the role is of the Environmental  
21 Protection Agency as well as this Board. And I'm not  
22 going to speak for all the members, but I think that all  
23 of the members realize we have a very important charge,  
24 and that's to make sure that environmental integrity and  
25 state minimum standards are maintained, and where there

1 are issues, to make sure that they get fixed.

2           And you know, I've heard thousands of arguments,  
3 both sitting here or in my previous lifetime responsible  
4 for these facilities, and we have to make sure that the  
5 people are educated as to understand the issues around  
6 landfills and what's real and what's not real. It's the  
7 only way that we're going to continue, especially in this  
8 day and age, to start to really address issues of  
9 legitimate concerns that can be sometimes escalated as  
10 people start discussing 'em. And everybody's got a right  
11 to discuss 'em.

12           But that site is a good site. I don't think, I  
13 wouldn't, I wouldn't, I sat on this Board and made a  
14 motion to deny a permit, as the member with industry  
15 credentials, to the surprise of an awful lot of folks.  
16 The landfill wasn't ready to be permitted, it had some  
17 outstanding issues that needed to be rectified, and they  
18 were.

19           I think it says a lot for the state of landfills  
20 in this state that we're able to keep 'em operating, or  
21 that they're able to keep 'em operating to state minimum  
22 standards.

23           I just thought I needed to say that, Mr. Chair,  
24 because I think it's important that we do take our  
25 obligations very seriously.

1           BOARD VICE CHAIR MEDINA: In that regard, Mr.  
2 Jones, when you made the motion to deny the permit, was  
3 the permit denied?

4           BOARD MEMBER JONES: Actually we had all the votes  
5 in committee to deny, and they went out and between, you  
6 know, and started working the permit, or working to fix  
7 the issues that needed to be fixed. And I think it got  
8 delayed. I'm looking at Mr. de Bie, I'm trying to think  
9 if he remembers.

10           I think it got delayed for some period of time,  
11 and when it came back the state minimum standards were  
12 effectively fixed so that we were able to take an action  
13 on that permit.

14           BOARD VICE CHAIR MEDINA: Okay. Thank you. Our  
15 next speaker will be Board member Peace followed by Board  
16 member Paparian.

17           BOARD MEMBER PEACE: Several speakers today have  
18 inquired about the results of an air monitoring device at  
19 the Van Gogh Elementary School.

20           I understand the results have been published but  
21 not yet released by the city. I wonder if BFI might like  
22 to have somebody to address that?

23           MR. EDWARDS: I'm Dave Edwards. Ms. Peace, I  
24 brought Sharon Rubalcava who oversaw the compliance  
25 testing and air monitoring and understands where we're at

1 as far as reports. So I'll let her address your question.

2 MS. RUBALCAVA: Thank you. The land use approvals  
3 by the City of Los Angeles imposed a number of  
4 requirements with regard to air monitoring. There were  
5 conditions imposed that had to be met prior to the start  
6 of construction, and they included a requirement to test  
7 for dust from the landfill and diesel exhaust particulate  
8 and landfill gas.

9 BFI entered into a work plan with the City of Los  
10 Angeles to perform that monitoring. We had a portable  
11 monitoring station, which BFI purchased, and located at  
12 Van Gogh Elementary School for one full year. We  
13 collected one year of pre-construction monitoring data.

14 All that data has been provided to the city along  
15 with a report. It has been, I understand, evaluated by  
16 the city's independent air quality consultant. And I know  
17 the city is planning to make a presentation of the data to  
18 the community, but I don't believe, well I know that that  
19 presentation has not yet been scheduled.

20 And so there will also be monitoring once the  
21 landfill is under construction, I'm sorry -- not under  
22 construction, but in operation. We're required to do four  
23 random tests per year and compare them to the baseline.

24 BOARD MEMBER PEACE: Thank you.

25 BOARD VICE CHAIR MEDINA: Thank you, Board member



1 Peace.

2 And now Board member Paparian has the floor.

3 BOARD MEMBER PAPARIAN: Is the LEA here? I  
4 thought I heard the LEA was either here or are they in the  
5 remote location? Can they hear me? I had a question for  
6 them. Are we still hooked up to the remote location?

7 MR. PECK: I'll find out.

8 MR. de BIE: This is Mark de Bie with Permitting  
9 and Inspection. It's my understanding and I believe Frank  
10 indicated that there were at least two representatives  
11 from the LEA's office down in Southern California.

12 BOARD MEMBER PAPARIAN: Yeah, Mr., I think that's  
13 you, I think I recognize you. Mr. Sutta, can you hear  
14 me? We're not hearing you yet on the microphone.

15 MR. PECK: We should be good to go now.

16 MR. SUTTA: Can you hear me, Mr. Paparian?

17 BOARD MEMBER PAPARIAN: Yes, I can hear you now.

18 MR. SUTTA: This is Wayne Sutta, and with me is  
19 David Thompson from the City of L.A. LEA.

20 BOARD MEMBER PAPARIAN: The concerns that we heard  
21 from the residents and from the local school, I was  
22 particularly taken by the principal and then the  
23 representative of the teachers at the school that they  
24 have concerns.

25 Have you talked to the folks at the school about

1 their concerns? Have you been able to identify what, you  
2 know, if there's any basis to what they're bringing up?

3 MR. SUTTA: In response to your question, the air  
4 monitoring contract is through the Department of City  
5 Planning. The City Planning Department has hired a  
6 consultant to prepare a report.

7 That report has gone back to the Planning  
8 Department, and the Planning Department is planning on  
9 disclosing the report to the public in a, I guess a public  
10 hearing.

11 So it was a city requirement as a condition of  
12 approval of the landfill, but it is something that the  
13 City Planning Department is managing.

14 So the answer to your question is no, the LEA  
15 really has not, it's being handled by a different city  
16 department.

17 BOARD MEMBER WASHINGTON: And then with the  
18 request, several of the witnesses requested a health  
19 study. Would that be in your jurisdiction at all or would  
20 that be in somebody else's jurisdiction?

21 MR. SUTTA: It was, I think this question was  
22 raised many years ago and brought to the attention of the  
23 county health department. At the time there was a Dr.  
24 Paul Papineck who was in charge of the toxics epidemiology  
25 group within the County of, Los Angeles County Health

1 Department.

2           They did some analysis, and I think it was the  
3 conclusion of Dr. Papineck that a cancer cluster related  
4 to operations at the landfill did not exist. We do have  
5 some old records. I know that no other health studies  
6 have been done since that time.

7           And that request probably was acted upon in the  
8 early nineties, probably '91, '92 timeframe. So it's been  
9 a long time. But the request for a health study has been  
10 repeated by the community, but it has not been acted upon  
11 by anybody that we know of.

12           BOARD MEMBER PAPARIAN: Is there somebody who  
13 could make it happen? I know that, I believe in the case  
14 of the Bradley landfill there's a UCLA study going on  
15 about not just the landfill but other possible sources of  
16 health concerns in that area.

17           And this may be beyond, you know, what you are  
18 able to do. But are you in a position where you can make  
19 a health study happen or where should the community turn?  
20 Where's the decision-making point?

21           MR. SUTTA: A health study to study a cancer  
22 cluster I think properly belongs in the Los Angeles County  
23 Health Department. They are the city's health department.  
24 The city has no separate health department other than the  
25 county. And that's where the request was taken last time.

1           We could take the request back to the county to  
2 see if they would follow up on it. We don't know what  
3 resources that the county health department has. There  
4 may be ways to approach this through a cooperative effort  
5 with local universities or something, but that would have  
6 to be explored with the county health department.

7           BOARD MEMBER PAPARIAN: And this might put you too  
8 much on the spot, but do you, I mean from the concerns  
9 that you've heard, do you think it's worth pursuing a  
10 health study? Is it, does it seem to you that there's  
11 anything unusual going on here?

12          MR. SUTTA: Well I'm not a medical professional.  
13 All I know is that cancer is like the number two leading  
14 cause of death in the country in certain age groups. It  
15 is prevalent everywhere in the community.

16          I think the study that was done previously did  
17 look at the types of cancers and age groups and the  
18 occupations of those people who are contracting these  
19 diseases. I understand that doing cancer cluster studies  
20 are a very, very difficult thing to do, and finding an  
21 environmental cause is very difficult and expensive and  
22 time consuming.

23          BOARD MEMBER PAPARIAN: Okay.

24          MR. SUTTA: In my opinion I really don't, you  
25 know, I feel very concerned for the public when they see

1 their neighbors being affected by this, but I can't tell  
2 you whether or not it's related to any kind of a landfill  
3 situation.

4 BOARD MEMBER WASHINGTON: Okay. And I see Mr.  
5 Edwards, I think, wants to respond too.

6 Before I go on to other issues, Mr. Chairman, I  
7 don't know, since we've got this connection up I don't  
8 know if there's any other members that have anything they  
9 might want to ask the LEA, or if I might perhaps pause  
10 there to see.

11 It doesn't look like any members have anything  
12 they want to ask the LEA.

13 If it's okay, Mr. Chairman, it looks like Mr.  
14 Edwards has something.

15 MR. EDWARDS: Thank you, Mr. Paparian. I have  
16 Chris Funk here who worked through all of the EIRs, both  
17 the final EIR and the supplemental EIR where health risk  
18 was considered and studied. I'd like to bring him up and  
19 maybe add to what Mr. Sutta has discussed here.

20 MR. FUNK: Thank you, Mr. Edwards. Mr. Paparian  
21 and other members of the Board, I'm Chris Funk.

22 As Dave Edwards has indicated, I represented BFI  
23 on both the final EIR in November of '93 and then the  
24 subsequent EIR.

25 And just to add to what Mr. Sutta was saying,

1 actually there has a been a study of this supposed cancer  
2 cluster.

3 Dr. Wendy Cosin with the USC Cancer Registry  
4 stated in a letter to the city April 26th of 1999, and  
5 this is to the city's environmental consultant, Ultra  
6 Systems, that, "We found," speaking of the Cancer  
7 Registry, "No evidence of an increased risk of cancer, all  
8 cancers combined in this area in either children or  
9 adults."

10 She repeated that, in essence, in a November 16th,  
11 1999 letter to Mary Edwards of the North Valley Coalition  
12 who has continued to make this allegation. But she  
13 stated, Wendy Cosin stated at that time,

14 "With regard to potential cancer risks, we did  
15 not find any excess risk in the area surrounding the  
16 landfill."

17 Also, just to add to what Mr. Sutta was saying  
18 about Dr. Paul Papineck, Dr. Papineck, who was the chief  
19 of the L.A. County Toxics Epidemiology Program stated  
20 that, "Given -- " and this is during the 1997, '99 process  
21 for the city SEIR,  
22 "Given the low potential for human health impacts related  
23 to a class III municipal waste landfill, a study of health  
24 effects at Sunshine Canyon would be unwarranted, an  
25 additional study."

1           They, Dr. Mac, Dr. Thomas Mack from the USC School  
2 of Medicine and Dr. Paul Papineck indicated,

3           "No evidence of an increased risk in that area  
4 and no evidence that there would be a significant effect  
5 on human health from the continued operation of  
6 landfilling in that area."

7           And the SEIR then stated, and this SEIR has been  
8 upheld both in Superior Court and the Court of Appeal,  
9 that,

10           "The prior health risk assessment prepared in  
11 conjunction with the city landfill project, the underlying  
12 final EIR in 1993, demonstrated that the potential  
13 environmental impacts on human health would be considered  
14 less than significant on the basis of established  
15 criteria."

16           So specifically, Mr. Paparian, there has been a  
17 study of a cancer cluster allegation, and that's found to  
18 be an inappropriate unfounded allegation.

19           And secondly, in regard to the general health  
20 study, the finding was two-fold.

21           One, that the fire and health effects assessment  
22 that had been done in conjunction with the overall city  
23 county landfill is adequate.

24           And they also found, Dr. Papineck did for an  
25 additional study, given all the circumstances in that area

1 that there were inherent biases that would perhaps make  
2 such a study both unwarranted and inaccurate.

3 And I think that's part of the reason why the city  
4 hasn't called for an additional study beyond all the  
5 things that have been done over the last twelve years.

6 BOARD MEMBER PAPARIAN: Do you want to respond,  
7 the concerns raised by the principal of the local school  
8 and the representative of the teachers went beyond the  
9 cancer issue that some of the other witnesses raised, they  
10 were raising general concerns about possible impacts to  
11 the children in the school as well as the employees.

12 Have you looked at that? Do you have any response  
13 to those concerns?

14 MR. FUNK: Well the general response, I think in  
15 relation to what Dr. Papineck was saying, is that there is  
16 this sense that in certain areas you find a bias in  
17 studies or surveys.

18 And all I can say is that with regard to the  
19 health effects study done previously there was no  
20 inordinate or disproportionate finding of a cancer  
21 incidence, there wasn't a specific study in other areas,  
22 but there was the general sense from the health assessment  
23 done in the early 1990s that there was no elevated risk  
24 associated with the class III landfill.

25 I think also there's been the study of, that Ms.



1 Rubalcava was talking about, that the absence of a  
2 landfill gas impact at Van Gogh School, you know, 1.1  
3 miles away, quite distant, and also the fact that there  
4 has been this baseline established for future monitoring.

5           So everything is in place to see whether there's a  
6 potential for an effect of particulates or landfill gas.  
7 That's what the city did in the 1999 approval. It set up  
8 an independent air quality monitoring process overseeing,  
9 not just by the city but an independently hired and paid  
10 for monitor. And that's the process that will be going  
11 forward at the time operations commence, because the  
12 baseline's been established.

13           BOARD MEMBER PAPARIAN: Okay. But what we heard  
14 from the principal and representatives of the teachers is  
15 that they believe there's an impact right now on people at  
16 the school. And I mean I understand, I hear what you're  
17 saying about, you know, various people who have suggested  
18 that studies could be biased and so forth but, then how  
19 would you respond to the principal and teachers at the  
20 school who believe there is an impact right now?

21           MS. RUBALCAVA: I'm going to share with you just  
22 some bottom line conclusions that we reached from the  
23 study that was done to date.

24           This particular study that we did --

25           BOARD VICE CHAIR MEDINA: Excuse me, if you would

1 identify yourself for the record?

2 MS. RUBALCAVA: Yes, Sharon Rubalcava representing  
3 Browning-Ferris Industries.

4 The air monitoring study at the school looked at  
5 the impacts of dust, levels of dust, diesel exhaust  
6 particulate, and landfill gas. The study considered the  
7 Impacts and, along with wind conditions, wind direction,  
8 and wind speed.

9 What we saw in the study is that the highest  
10 levels experienced at the school are with the winds  
11 blowing from the freeways. If you've been to the site you  
12 know that the landfill is, the landfill and Van Gogh  
13 Elementary School are located very near to a freeway  
14 interchange. And we see that the highest levels of both  
15 dust and diesel particulate matter come when the wind is  
16 blowing from the freeway to Van Gogh, and not when it's  
17 blowing from the landfill to Van Gogh.

18 With regard to landfill gas, we saw no impact, no  
19 evidence that landfill gas was present at the school. So  
20 if they are having health impacts, it doesn't appear to be  
21 from the landfill.

22 MR. EDWARDS: I was just checking to see if you  
23 had any more questions.

24 BOARD MEMBER PAPARIAN: Not at this point.

25 BOARD VICE CHAIR MEDINA: I had one question and

1 that was in regards to there were several concerns  
2 expressed regarding radioactive waste. What is the  
3 situation at Sunshine Canyon with regard to radioactive  
4 waste?

5 MR. EDWARDS: Well the issue of radioactive waste  
6 is addressed through our waste screening programs that we  
7 have at the site. We have radiation detectors at each of  
8 our scales. If radiation is detected, that truck is  
9 identified, and we have hand held radiation detectors to  
10 further evaluate that load.

11 We work directly with the State Radiation  
12 Management Department on the disposition of that  
13 material. No radioactive waste is accepted into the  
14 landfill.

15 BOARD MEMBER PAPARIAN: Thank you, Mr. Chairman.  
16 I'm pondering what I'm going to do on this. I may want to  
17 say something more in a minute.

18 BOARD VICE CHAIR MEDINA: Any other Board members  
19 have any other questions or comments to make in regard to  
20 this?

21 Does anyone wish to take any action at this time?

22 Board member Washington, do you have any?

23 BOARD MEMBER JONES: Mr. Chair.

24 BOARD VICE CHAIR MEDINA: Yes, Board Member Jones.

25 BOARD MEMBER JONES: I think that this is a good

1 landfill that has an inspector on site continually.

2 I think it is one that's well documented, if  
3 there's a piece of litter or anything it gets caught, it  
4 is taken care of.

5 I think Mr. Sutta and his folks do their job well.

6 I think this is a site that is important for L.A.  
7 County.

8 And I think it meets all the standards, it meets  
9 all the state minimum standards.

10 And I appreciate all the work that's gone into  
11 this, so I'm going to move adoption of Resolution  
12 2003-289, consideration of a revised full solid waste  
13 facility permit, disposal facility, for the Sunshine  
14 Canyon City Landfill Unit 2, Los Angeles County.

15 BOARD VICE CHAIR MEDINA: Is there a second?

16 BOARD MEMBER PEACE: Second.

17 BOARD VICE CHAIR MEDINA: Okay. This has been  
18 moved by Board Member Jones, seconded by Board member  
19 Peace. And I will keep the roll open for our Board Chair  
20 Linda Moulton-Patterson.

21 And at this time if you would call the roll,  
22 please?

23 BOARD SECRETARY WADDELL: Jones?

24 BOARD CHAIR JONES: Aye.

25 BOARD SECRETARY WADDELL: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 BOARD SECRETARY WADDELL: Paparian?

3 BOARD MEMBER PAPARIAN: (No response.)

4 BOARD SECRETARY WADDELL: Washington?

5 BOARD MEMBER WASHINGTON: Aye.

6 BOARD SECRETARY WADDELL: Peace?

7 BOARD MEMBER PEACE: Yes, I'd just like to say  
8 this expansion was approved at the local level. This  
9 phase under consideration today will have an estimated  
10 life of five years. Maybe in that time the city will be  
11 able to come up with some viable alternatives to  
12 permitting phase II. Until then I vote aye on this  
13 permit.

14 BOARD VICE CHAIR MEDINA: Thank you, Board member  
15 Peace. And as for myself I had an opportunity to tour the  
16 facility, I met with the concerned residents and talk with  
17 the LEA.

18 And the LEA finding supports a granting of the  
19 permit.

20 There was significant mitigations and benefits.  
21 There were 34 new or modified conditions imposed,  
22 mitigation measures imposed.

23 There was a committee, advisory committee  
24 established.

25 And most of all, it's based on a question in

1 regard to the options that are open to us. This Board  
2 has, as has been said, never denied a permit. I'm sure  
3 there's a lot of permits we would like to deny.

4 But we know what our options are in this case, and  
5 so at this point we have four votes in support and one  
6 vote, I didn't get your vote on this one, Mr. Paparian,  
7 are you --

8 BOARD MEMBER PAPARIAN: I didn't say a thing  
9 because I didn't want to say something. And I have voted  
10 aye on most of the landfill permits that have come before  
11 the Board. I've voted no on some, including one that I  
12 felt would violate state minimum standards if we approved  
13 it. And they didn't, they didn't let me down. In fact,  
14 that landfill did wind up violating state minimum  
15 standards.

16 Like Mr. Relis before me in the environmental seat  
17 on landfill issues, and like Mr. Eaton and Mr. Jones on  
18 some other issues, I have abstained on a few landfill  
19 issues. I've done this when I have felt that either I  
20 needed to make a statement to the operator in some way, or  
21 a statement to the community as the environmental  
22 representative on the Board.

23 The Public Resources Code Section 44009 greatly  
24 restricts our ability to review landfill permits. In  
25 fact, I asked the city attorney's representative a few

1 minutes ago if they could tell us anything under Section  
2 44009 that would lead us to a conclusion that we have the  
3 authority or the responsibility to deny this permit. And  
4 that representative couldn't come up with a reason under  
5 the law that the Board would have the authority to deny  
6 this permit.

7           And I've looked at the permit very carefully, my  
8 staff has looked at it carefully. I've met with the  
9 opponents, I've met with the operator. I've run our staff  
10 through the gauntlet trying to answer questions about  
11 what's going on here, and they've, our staff has really  
12 done a remarkable job of providing us all of the  
13 information that we've been looking for on this permit.

14           The community has some very serious concerns and  
15 I, I worry about that. I worry about the local school. I  
16 was really taken by the principal of the local school and  
17 the representative of the teachers who do believe that  
18 something is going on in the community that's affecting  
19 them.

20           At the same time we're in a very awkward position.  
21 We've been put in an awkward position by the City of Los  
22 Angeles. We had a situation where the City of Los Angeles  
23 approved this permit when they had the opportunity to  
24 review it a couple of years ago, certainly not under Mr.  
25 Hahn's administration. But he's in a situation now I know

1 where he's having to deal with actions that were taken by  
2 a city council previously, and it's really the city  
3 council in Los Angeles that had the opportunity to look at  
4 some of the broader issues that we've been asked to look  
5 at here.

6           The community is upset about this expansion  
7 happening in their backyard. We've heard a lot about  
8 their issues, we've heard about odor issues and litter  
9 impacts, water quality concerns, methane, and other  
10 issues.

11           And as the environmentalist on this Board, I am  
12 concerned about the types of issues that are being raised  
13 by the community, but at the same time I recognize that  
14 most of those issues that are being raised are either  
15 outside of our jurisdiction or not things that the law  
16 allows us to consider in approving this or denying this  
17 permit.

18           BFI has done a good job of community outreach  
19 despite what we've heard today. I know that they've taken  
20 a lot of extraordinary steps and done a lot of things that  
21 other landfills haven't done.

22           They do have a community advisory committee, they  
23 will have another community advisory committee for the  
24 city side of the landfill. And in comparison to other  
25 landfills in the state, they have done a lot to assure



1 that the community knows about their plans and has their  
2 questions answered.

3 And this is especially notable given some other  
4 recent landfill situations where we've heard from  
5 community members who really have no ongoing mechanism for  
6 communication with the landfill.

7 So where does that leave me? I kind of waited to  
8 see where the rest of the votes stood on the Board. But  
9 the law really does constrain us. We don't have the  
10 ability to turn down something just because we don't like  
11 it. We don't have the ability to turn it down, in fact,  
12 for very many reasons except those that are in 44009 of  
13 the Public Resources Code.

14 Yet at the same time I feel the community does  
15 need to continue to be heard, and I think that some of  
16 their concerns need to be taken, we need to take a fresh  
17 look at some of their concerns.

18 And I really would urge the city to follow up on  
19 some of the health concerns, certainly follow up on the  
20 concerns that the representatives of the school raised  
21 about the possible impacts on their staff and their  
22 students, and as well as the concerns that we're hearing  
23 from several of the community members who note that there  
24 seem to be some unusual situations involving health issues  
25 on their streets, although we heard testimony that some of

1 those concerns may not have a statistical basis.

2 I'm in a tough situation as the environmental  
3 seat. Do I do as I've done before and vote yes on this  
4 permit? Do I do as I've done before and abstain and try  
5 to send a message in that way? Or do I vote no?

6 I don't see a reason in the record here that can  
7 justify me voting no on this permit. I don't see a reason  
8 under Section 44009 that we can deny this permit.

9 I think that the permit itself meets the  
10 requirements that we're obliged to address at this Board.  
11 The law does anticipate that on occasion we might not vote  
12 for a permit, but in this case you've already heard four  
13 votes in favor of it.

14 With those four votes in favor of it, I do want  
15 the community to know that there is somebody on this  
16 Board, and I know all of the Board members share the  
17 concern that the community be protected from any impacts  
18 that might be associated with the facility.

19 But just to let the community know that the  
20 environmental seat on the Board is hearing their concerns,  
21 I will continue to raise the concerns with BFI and others  
22 as appropriate.

23 I am abstaining on this permit. And I thank the  
24 Board members for their indulgence in hearing my long  
25 reasoning on that.

1           Other Board members have abstained in the past  
2 when other issues have concerned them. I'm abstaining on  
3 this one to send a message that I will continue to monitor  
4 what's going on here, and do my best as long as I'm here  
5 to assure that the concerns of the community are raised  
6 with the management of this facility.

7           BOARD VICE CHAIR MEDINA: Thank you, Mr.  
8 Paparian.

9           And with that, we will adjourn until tomorrow at  
10 which time we will take up the remaining items on the  
11 agenda.

12           And again, this vote will remain open for Chair  
13 Moulton-Patterson to cast her vote.

14           So meeting adjourned. Thank you all.

15           (Thereupon the foregoing was discontinued  
16 at 6:10 p.m.)

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## 1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2

3 I, DORIS M. BAILEY, a Certified Shorthand Reporter  
4 and Registered Professional Reporter, in and for the State  
5 of California, do hereby certify that I am a disinterested  
6 person herein; that I reported the foregoing afternoon  
7 proceedings of the video conference coordinated by the  
8 Integrated Waste Management Board to the best of my  
9 ability in shorthand writing; and thereafter caused my  
10 shorthand writing to be transcribed by computer.

11 I further certify that I am not of counsel or  
12 attorney for any of the parties to said proceedings, nor  
13 in any way interested in the outcome of said proceedings.

14 IN WITNESS WHEREOF, I have hereunto set my hand as  
15 a Certified Shorthand Reporter and Registered Professional  
16 Reporter on the 26th day of May, 2003.

17

18

19

Doris M. Bailey, CSR, RPR, CRR

20 Certified Shorthand Reporter

License Number 8751

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## 1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 27th day of May, 2003.

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23 TIFFANY C. KRAFT, CSR, RPR  
24 Certified Shorthand Reporter  
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